Daniel J. Lang
(Name)
Richard J. Donovan Corr.Fac.1-1-241
(Address) P.O. Box 799001
San Diego, CA 92179-9001
(City, State, Zip)
C82516
(CDC Inmate No.)

Original

FILED
SEP 10 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

NUNC PRO TUNC
SEP - 8 2008

United States District Court
Southern District of California

Daniel J. Lang,
(Enter full name of plaintiff in this action.)

Plaintiff,

v.

ROBERT J. HERNANDEZ, WARDEN
MATTHEW MEUNIER, M.D., U.C.S.D.
CANLAS, M.D.,
I. CHOO, CHIEF PHYSICIAN||SURGEON
E. ROMERO, CHIEF MEDICAL OFFICER
WHITEHEAD, R.N.,
ESCALANTE, CORRECTIONAL OFFICER
JOHN||JANE DOES 1-3........
(Enter full name of each defendant in this action.)

Defendant(s).

Civil Case No. 08-0238-JLS (CAB)
(To be supplied by Court Clerk)

FIRST AMENDED
Complaint under the
Civil Rights Act
42 U.S.C. § 1983 AND FOR INJUNCTIVE AND DECLARATORY RELIEF AND MONITARY DAMAGES WITH A DEMAND FOR JURY TRIAL

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.
42 USC §12101 et seq., 28 USC §§1331, 1367, 1391(b)(2); California Gov. Codes 814 et seq.; 28 USC §2201 & §2202 & §2283, §2284 & Rule 65 of F.R.C.P.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, DANIEL J. LANG (print Plaintiff's name), who presently resides at RICHARD J. DONOVAN CORRECTIONAL FACILITY, 480 ALTA ROAD, SAN DIEGO, CA 92179 (mailing address or place of confinement), were violated by the actions of the below named individuals. The actions were directed against Plaintiff at Richard J. Donovan Corr.Fac. Clinic, Yard #1 (institution/place where violation occurred) on (dates) Jan.2006 (Count 1), Thru to (Count 2), 2008, (Count 3).
Present date as signed and submitted herein.....See Attached Complaint Incorporated herein in its entirety...........

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant Robert J. Hernandez (name) resides in San Diego, California (R.J.D.) (County of residence), and is employed as a Warden of Richard J. Donovan Corr.Fac (defendant's position/title (if any)). This defendant is sued in his/her XX individual XX official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Robert J. Hernandez acted and/or failed to act in his official capacity and/or while exercising his responsibilities as Warden of RJDCF and pursuant to state law and as alleged by plaintiff in the attached complaint....

Defendant Canlas (name) resides in San Diego, California (County of residence), and is employed as a Medical Doctor at R.J.D.Corr. Fac. (defendant's position/title (if any)). This defendant is sued in his/her XX individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Doctor Canlas acted and/or failed to act in his official capacity and/or while exercising his responsibilities as a Doctor of RJDCF and Pursunt to state law and as alleged by plaintiff in the attached complaint....

Defendant I. Choo (name) resides in San Diego, California (County of residence), and is employed as a Physician/Surgen at R.J.D.Corr.Fac. (defendant's position/title (if any)). This defendant is sued in his/her XX individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Doctor I. Choo acted and/or failed to act in her official capacity and/or while exercising her responsibilities as a Doctor at RJDCF and pursuant to state law and as alleged by plaintiff in the attached complaint....

Defendant E. Romero (name) resides in San Diego, Caliofrnia (County of residence), and is employed as a Chief Medical Officer at R.J.D. (defendant's position/title (if any)). This defendant is sued in his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Doctor Romero acted and/Or failed to act in his official capacity and/or his/her responsibilities as a Doctor at RJDCF and pursuant to state law and as alleged by plaintiff in the attached complaint....

The remaining Defendants are set forth in the attached Complaint incorporated herein in their individual and/or official capacaties are sued; Beginning at page #8.......

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: The right to needed medical care and freedom from cruel and unusual punishment and as alleged in attached complaint...
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 1.]

On or about 10-18-05, I submitted a "Health Care Services Request Form" (HCSRF) to request medication for my severe arthritis pain, and when I transferred from Corcoran Prison to Richard J. Donovan Correctional Facility (RJDCF), my medications were not provided. I was left to suffer in pain for over a month as I was previously diagnosed with cronic pain, and doctors Canlas, Choo, Romero, and the RJDCF Warden Robert J. Hernandez knew and/or should have known of my needed medical treatment as I clearly made my problems known, and they have previously reviewed my medical file which reveals my medical cronic pain, arthritis, and other medical conditions. (See Ex.#3)

On or about 11-18-05, I submitted a HCSRF because on or about 11-2-05, I saw a doctor whom said that he was scheduling me for an X-Ray, but that X-Ray was unreasonably delayed. The X-Ray was never done arbitrarily, for my left shoulder, and I was also to have an X-Ray on my knee that was delayed and I requested an MRI be done, but that was arbitrarily not done, and I was in severe pain from my arthritis daily and limping that interferred with my daily activities and normal sleeping habits. Doctors Canlas, Choo, Romero, and the warden of RJDCF Knew or should have known that I was in need of pain treatmnet and **surgery** as they reviewed the files when I requested treatment and/or filed appeals.

On or about 6-22-05, Plaintiff, Daniel J. Lang, filed an "EMERGENCY MEDICAL APPEAL" regarding his receiving meaningful, and adequate medical treatment for his degenerative arthritis and the resulting and debilitating pain that aggrivates his depression, keepshim from sleeping, and has caused him to lose control of his arms, amoung other debilitating physical ailments.

(FACTS ARE CONTINUED ON THE NEXT PAGE...)

Count 2: The following civil right has been violated: Deliberate indifference to serious medical needs/subjecting plaintiff to cruel/unusual punishment and as alleged in.. (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)..plaintiff's attached complaint.......

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 2.]

This Appeal was GRANTED by CSATF APPEALS Division Head (See Exhibit #1, 602 Appeal). This Appeal has been reviewed by RJDCF Warden Robert J. Hernandez, Doctors Choo, Romero, and Canlas upon inception here and throughout my stay at RJDCF and they all knew that I need treatment for my arthritis and other medical problems. Even though it was not necessary to have another appeal granted, as that was and is useless, Plaintiff filed several appeals that noticed all the defendants of my needs for medical care, yet those appeals have been futile...

These four defendants have the responsibility to make certain that plaintiff receives the requested and needed medical care, but have failed to act to provde Plaintiff Lang with that needed care for the past three years despite all the requests by Lang that they are all well aware of.

Defendant Robert J. Hernandez, Warden of RJDCF, either directed his subordinates not to provide the requested medical care to Plaintiff Lang as requested and/or he failed to direct his subordinates to provide Plaintiff Lang with the requested medical care that Lang requested on numerous HCSRF over that past three years; By either acting and/or failing to act in this way, Warden Robert J. Hernandez is an actual and proximate cause of the medical deprivation of Plaintiff's Constitutional rights.

Robert J. Hernandez is well aware of Plaintiff Lang's Medical needs requested as not only did he review the medical appeals under his responsibility, but he was personally noticed by plaintiff's wife, Sheri M. Perry, on or about May 15, 2006 by letter that she sent to the Warden, Robert J. Hernandez, informing him of my medical needs for which he either ignored, or after he acted, his subordinates Doctor Choo, Romero, and Canlas failed to promptly act to provide the needed and requested medical care (See Exhibit #2, Letter of Sheri M. Perry Dated: May 15, 2006).

(FACTS ARE CONTINUED ON NEXT PAGE...)

Count 3: The following civil right has been violated: Eighth Amendment violation as alleged throughout this petition and in the attached complaint....... (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

(Continuation of Supporting Facts from the forgoing pages #s.3-4...)...

Despite Plaintiff's requests for medical care of his knee, it was repeatedly delayed and/or denied for some time, for over a year, and for an unreasonable amount of time and neither was plaintiff Lang provided with any meaningful pain medications regardless of the tear in his knee, and the doctors have still not totally fixed the tear in his knee because after he is finally given the MRI requested, it revealed a deep tear in the meniscus disc. That tear has been existant in my knee, causing me complained of pain for over two years now, or thereabouts, and treatment has been delayed and/or denied by Doctors choo, Romero, Canlas and the Warden Robert J. Hernandez; Moreover, every documented HCSRF requesting treatment, has additionally been delayed by the nurse on duty, Nurse Whitehead; Nurse Whitehead delayed every HCSRF, denying me immediate and/or prompt pain treatment and needed medical care for two or more weeks each visit. Nurse Whitehead denied me immediate and/or prompt access to the doctor for the needed and requested treatment each and every time I reported to the nurse line for care and the complained of problems. Nurse Whitehead failed to act promptly inform the doctor and/or the doctor Canlas denied me the access requested after he was informed by the nurse of my need. The dates of these requesed medical treatment on **HCSRF** are attached as **Exhibit # 3** and incorporated herein in their entirety....... Hereafter said dates are set forth.......

Plaintiff Lang has and is experiencing severe pain from his diagnosed degenerative arthritis, and he has and is continuously going to the medical department at RJDCF, and sending HCSRF, requesting treatment for the pain in his shoulders and right knee. He is also continuously requesting surgery for his shoulder replacement and right meniscus disc tear, yet its been delayed and/or denied by Doctors Choo, Romero, Canlas, Matthew Meunier, and JANE/JOHN DOES.... (CONTINUED FACTS ON FACT PORTION OF THE ATTACHED COMPLAINT.......)...

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes XX No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:
Plaintiffs: N/A

Defendants: N/A

(b) Name of the court and docket number: N/A

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] N/A

(d) Issues raised: N/A

(e) Approximate date case was filed: N/A.

(f) Approximate date of disposition: N/A.

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? XX Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.
See attached exhibits Numbers 1, Administrative Appeal and 2, Government Claims Form and all other Exhibits as numbered respectively 1, 2, 3, etc.......

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): from transferring plaintiff, further retaliating for suit and/or refusing to provide needed medical care and pain relief and as alleged in the attached complaint by plaintiff....... .

2. Damages in the sum of $ 3,000,000. .

3. Punitive damages in the sum of $ 300,000. each defendant.....

4. Other: Future Damages in the sum of $1,000,000.; Special Damages in the sum of $100,000 each defendant, and General Damages of $3,000,000.... . All costs of this suit.......

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

8-8-08
Date

Daniel J. Lang, In Pro Per
Signature of Plaintiff

Daniel J. Lang, C82516
Richard J. Donovan Correctional Facility [RJDCF]
Fac.1-1-241 L
P.O. Box 799001
San Diego, CA 92179-9001

In Propria Persona

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DANIEL J. LANG, CDCR #C82516, Plaintiff, vs. ROBERT J. HERNANDEZ, WARDEN, et al., Defendants.	CASE NO. 08-0238 JLS (CAB) **FIRST AMENDED COMPLAINT UNDER THE CIVIL RIGHTS ACT 42 U.S.C. §1983 AND FOR INJUNCTIVE & DECLARATORY RELIEF AND MONETARY DAMAGES WITH DEMAND FOR JURY TRIAL**

GENERAL ALLEGATIONS

1. This is a complaint for injunctive, declaratory, and monetary relief and damages for defendants' deliberate indiffenence to the serious medical needs of plaintiff, Daniel J. Lang, during his confinement by the California Department of Corrections and Rehabilitation (CDCR) at Richard J. Donovan Correctional Facility (RJDCF) in San Diego California.

This complaint is also for torts and damages for the named defendants' actions and/or inactions, deliberate indifference to the serious medical needs of Plaintiff, Daniel J. Lang, for which certain RJDCF Staff employees willfully, Maliciously, negligently, and knowingly committed under color of law an Eighth (8th) Amendment violation, Cruel and Unusual Punishment, 14th Amendment violations of the United States Constitution, and these violations are done contrary to and unresonably in violation of United Ststes Supreme Court Law, Estelle v. Gamble, 97 S.Ct. 285 (1976), and violative of the California Constitution Article I, §7(a), §17, & §24.

2. Jurisdiction is invoked pursuant to 28 U.S.C. §§1343(a)(3), 1331, 1367, 1391(b)(2), under 42 U.S.C. §1983, & 42 U.S.C. §§12101 et seq., 28 U.S.C. §2283 & §2284, §2201, & §2202; This Honorable Court has Supplememtal jurisdiction over plaintiff's state law claims under 28 U.S.C. §1367.

3. All the claims and conduct alleged herein giving rise to this action arose in San Diego County California at RJDCF.

4. Plaintiff, Daniel J. Lang, is and was at all relevant times mentioned herein an inmate in the custody, control, and care of RJDCF employees, and plaintiff is an inmate incarcerated at RJDCF from September 7th, 2005 to present, and at all time during that incarceration plaintiff relied on the medical care of providers and employees of RJDCF to provide him with the necessary, prescribed, and reasonable, and recommended, and needed medical pain management, treatment, care and that care required by law.

5. Plaintiff is informed and believes, and thereon alleges, that Defendant, Robert J. Hernandez, Warden, is at all times mentioned herein employed by RJDCF and CDCR as Warden of RJDCF; Defendant Robert J. hernandez is a properly trained CDCR Warden whom is responsible for the medical care of all inmates at RJDCF and this includes but is not limited to the supervision, direction, and implementation of, monitoring compliance with, enforcing and supervising the enforcement of policies and procedures affecting the medical care of all inmates within RJDCF, including plaintiff. In this position defendant Robert J. Hernandez is responsible for assuring that all inmates receive proper medical care, including proper diagnosis and treatment. At all times mentioned herein defendant Robert J. Hernandez is acting under color of state law, in the course and scope of his employmnet and is sued herein in his official and individual capacities.

6. Defendant E. Romero, M.D., is during all relevant time mentioned herein employeed by RJDCF as the Chief Medical Officer (CMO). Plaintiff is informed ad believes, and thereon alleges, that defendant E. Romero, is still in that position but delegates his authority to others as the need arises. Plaintiff is further infromed and believes, and thereon alleges, that defendant E. Romero is a properly trained and licensed medical doctor who is responsible for the medical care of all inmates at RJDCF and this included but is not limited to the supervision, direction, and proper training of the medical staff at RJDCF in the delivery of health care services and the management of health care programs, involvement in the determination of proper medical care for inmates at RJDCF, including but not limited to having authority to order, approve, confirm needed medical tests and treatmnets to be performed, and to assure that inmates transffered to RJDCF or other facilities receive continuing proper and needed medical care, and also having authority and responsibility for assuring the proper ordering and stocking of medical supplies, communication of medical needs to correctional staff and generally making sure that proper medical treatment is provided to all inmates including plaintiff. Plaintiff is additionally informed and believes and thereon alleges that defendant E. Romero, is responsible for assuring that RJDCF medical staff, and all other medical providers with whom RJDCF/CDCR contracted in providing medical care to inmates at RJDCF provide proper medical care to inmates, and that all such individuals know and understand and act pursuant to RJDCF/CDCR policy. At all times mentioned herein defendant E. Romero, is acting under color of state law, in the course and scope of his employment, and is sued herein in his official and individual capacities.

7. Defendant I. Choo, M.D. is during all relevant times mentioned herein employed by RJDCF/CDCR as a medical docotr and Acts as CMO at RJDCF. Plaintiff

is informed and believes, and thereon alleges that defendant Choo is a properly trained and licensed medical doctor who was and is responsible for the medical care of all inmates, including plaintiff, at RJDCF; Defendant is responsible for the medical care as alleged in paragraph Six (6) supra, which is incorporated herein in tis entirety excluding defendant Romero, but defendant Choo having authority to assure that all inmates, including plaintiff, at RJDCF receive continuing proper medical care and all needed medical care, having authority and responsibility for assuring the proper communication of medical needs to medical staff, custody staff, and generally, making sure that proper medical treatment is provided to all inmates.

Plaintiff is further informed and believes and thereon alleges, that defendant Choo is responsible for assuring that RJDCF medical staff, and all other medical providers whith whom CDCR/RJDCF contracted to provide medical care to inmates at RJDCF, provide proper and prompt medical care to inmates, and that all such individuals know and understand and act pursuant to CDCR/RJDCF policy. At all times mentioned herein defendant Choo is acting under color of state las in the course and scope of her employmnet and she is sued in her official and individual capacities.

8. Defendant Canlas, M.D. is and at all times relevenat herein is employed by CDCR/RJDCF as a medical doctor, physician, at RJDCF. Plaintiff is informed and believes and thereon alleges that defendant Canlas is a properly trained and licensed medical doctor whos is responsible for the medical care of all inmates at RJDCF. At all times mentioned defendant Canlas is acting under color of law in the course andscope of her employment and is sued in her official and individual capacities.

9. Defendant J. Kahng, M.D. is at all relevant times herein employed by CDCR/RJDCF as a medical doctor. Plaintff is informed and believes and thereon alleges that the defendant J. Kahng is a properly trained and licensed

medical doctor who is responsible for the medical care of all inmates at RJDCF. At all times mentioned defendant Kahng is acting under color of state law in the course and scope of his employment and is sued in his official and individual capacities.

10. Defendant Matthew Meunier, Staff Surgeon, is at all times mentioned and relevant herein employed by CDCR/RJDCF ceployed and/or contracted by CDCR/RJDCF as a medical doctor, physician, surgeon. Plaintiff is informed and believes and thereon alleges that defendant Matthew Meunier is a properly trained and licensed physician and surgeon who is responsible for medical care of all inmates that are recommend to him by RJDCF for his care and surgical treatment and surgical procedures. Defendant Matthew Meunier is responsible for the medical care of all inmates placed under his authority by CDCR/RJDCF. At all times mentioned herein defendant Matthew Meunier is acting under color of state law and in the course and scope of his employment and he is sued in his official and individual capacities.

11. Defendant Whitehead , R.N., is at all times mentioned relevant herein employed by CDCR/RJDCF as a registered nurse. Plaintiff is informed and believes and theron alleges that defendant Whitehead is a properly trained licensed registered nurse who is responsible for the medical care of all inmates at RJDCF. At all times mentioned defendant Whitehead is acting under color of state law in the course and scope of her employmnet and is sued in her official and individual capacities .

12. Defendant Escalante, Correctional Officer (C/O) is at all times relevant herein employed by CDCR/RJDCF as a correctional officer(C/O). Plaintiff is informed and believes and alleges that defendant Escalante is a properly trained correctional officer who is responsible for the safety and security and overall well-being of all inmates at RJDCF and is in charge of the RJDCF One Clinic Scheduling, having authority to have inmates report to

the medical clinic for scheduled appointments, and having authority to communicateneeded medical care to all staff in the facility one clinic, having authority to see that inmates who need immediate and prompt pain management, medical tests/treatments, for serious medical needs get seen by a nurse and doctor promptly. At all times mentioned defendant Escalante is acting under color of state law in the course and scope of his employment and is sued in his official and individual capacities.

13. Defendants John/Jane DOES 1-3, inclusive, consists of any and all staff, medical and custodial, whether in either capacity, acting, or failing to act, to provide proper medical care to all inmates at RJDCF, and who are responsible for the communications, of medical needs, diagnosis, tests, treatments, follow-up appointments, safety, security, and over all well-being of all inmates, supervising and/or monitoring compliance with RJDCF/CDCR policy and procedures affecting the medical care of all inmates in RJDCF, and are responsible for same. These defendants are also responsible for assuring that all inmates receive proper medical care, and at all times mentioned these defendants were acting under color of state law, in the course and scope of their employment and duties and are sued herein in their official and individual capacities. The true names and capacities of said defendants DOES 1 thru 3 are presently not known to plaintiff , who therefore sues them by such fictitious names and will seek leave to amend this complaint to add their true names and capacities when they have been ascertained.

14. Since approximately September 7th, 2005, upon inception at RJDCF, plaintiff has had to seek medical attention, treatment, testing and pain medication for degenerative Arthritis, Ortheoarthritis, and other pain management problems (i.e. Knee pain, Toe Pain, Back/Hip/Leg pain), and on numerous occassions plaintiff has either appealed for treatment, sent Medical "Health Care Services Request Forms" (HCSRF), and communicated

verbally his medical needs to medical, administrative, and custodial staff at RJDCF. Plaintiff is therefore informed and believes and thereon alleges that defendants, and all of them, have known of this medical condition, and other medical, such as those in the publication form the Arthritis Foundation, and the Pain Management Drugs in that article have been denied and/or delayed plaintiff at RJDCF since his transfer to RJDCF and/or throughout his stay at RJDCF since September 7th, 2005 to present. Plaintiff requires prompt, effective, and meaningful anti-inflammatory and pain medications that include those listed by the Arthritis Foundation Article Exhibited as **Exhibit #4** Drug Guide 2006.

Plaintiff requires pain medications that are effective and meaningful, and he has informed Medical staff, and defendants, and all of them that the medications provided him do not work to relieve him of his pain and that the pain that he experiences is excruciating at times and prevents him from sleeping normally throughout the night, inhibits his normal daily activities, and disables him at times so that he cannot move his arms in certain directions, pick up certain items, amoung other disabilities. Plaintiff requires prompt pain management for his Ostioarthritis and sciatic pain, and toe and knee tear pain that all defendants have and do know about. Plaintiff requires proper and effective and meaningful anti-inflammatory and pain medications that include, but are not limited to, cortisone injections, opioids to relieve pain and/or Lyrica to relieve pain and live life basically uninhibited by pain/inflammation and this debilitating disease of Osteoarthritis, degenerative arthritis, and sciatic pain, knee tear pain, and toe arthritis pain, amoung other problems.

Plaintiff is informed and believes and thereon alleges that defendants, and all of them, including those that he has not been able to name, have been well aware of all plaintiff's medical needs, Since September 2005.

15. With the degenerative arthritis condition, back pain, knee pain, and toe arthritis pain conditions that plaintiff is suffering from, and continues to suffer from severe pain, requiring daily treatment/medications, exercise, and other physical therapy, plaintiff has been repeatedly delayed and denied treatment requested on numerous occassions by defendant and all of them.

Plaintiff is informed and believes and thereon alleges that defendants, and all of them, have from September 2005 been aware of plaintiff's need and requests for treatment of pain and surgery due to numerous doctor visits and HCSRF submitted by plaintiff (See **Exhibit #3**, HCSRF attached). Plaintiff is also suffering from Tinnitus and kidney/Lumps that have gone ignored and treatment delayed and/or denied for.

16. September 7th, 2005, plaintiff arrived at RJDCF and plaintiff is informed and believes and thereon alleges that defendants Robert J. Hernandez, Warden, Doctors Choo, and/or Romero reviewed plaintiff's Central and/or Medical Files and the Appeals for Medical treatment granted therein, and failed to act to provide plaintiff meaningful, adequate, and effective treatment as granted and requested by plaintiff; Defendants Robert J. Hernandez, Warden, Doctors Choo, and/or Romero have known of plaintiff's medical requests, granted appeals, and medical needs and acted deliberately indifferent to plaintiff's medical requests, medical needs, and **medical appeals granted** by failing to act to provide prompt needed medical care/treatment and/or providing treatments that they were informed and knew did not work for plaintiff and/or delaying or denying requested reasonable accommodations. These defendants failed to direct their subordinates to provide Plaintiff with requested treatments/tests, and/or directed them not to provide requested treatment and/or reasonable accommodations. **(See Exhibits #3 & 9)**.

17. From September 7th, 2005, to present, defendants and all of them, have repeatedly delayed and/or denied performing medical MRIs, medical tests, and

and providing medical treatment and/or pain relief for plaintiff's arthritis, knee tear, and toe/kidney/lumps and pain. Said medical tests and treatments include, but are not limited to, MRI's, blood tests for possible gout, for which plaintiff had to get a psychiatrist to do for him, cortisone injections, hydrocodone with actiminophen, Avinza, OxyContin and/or other treatments etc.,and up to and including surgical replacement of the joint that has been prescribed previously; Additionally defendants, and all of them have failed to do follow-up appointments promptly without delay and/or being neglegent.

18. From September 7th 2005, to present, defendants, and all of them, have been aware of the fact that plaintiff suffers from severe degenerative arthritis and/or from severe depressive disability, PTSD, and that delay or denial of needed pain treatment had resulted in increased/aggravated psychological, depression, and other problems such as loss of sleep, inability to focus, inability to function daily on a normal basis, increased agitation and inability to properly communicate with others normally on a daily basis, among other things; Moreover, Psychologists have notified defendants, and all of them, of plaintiff's medical needs. **(See Exhibit #5).**

19. From September 7th, 2005, to present, defendant, and all of them, have on sporadic basis, failed and refused to provide plaintiff with needed pain releif, medications, effective anti-inflammatory and pain medications, tests, and treatments as set forth in paragraphs 1 thru 18 and infra; Defendants, and all of them, have on numerous occasions during this time period failed to and refused to provide plaintiff with necessary pain medications, and/or appropriate/correct diagnosis/treatments, and/or being neglagent or deliberate indiferent by disregarding needed tests and treatments for plaintiff.

20. From September 7th, 2005, to present, defendants, and all of them, have subjected plaintiff to hostility, excessive force, abuse in apparent retaliation for plaintiff's efforts to secure proper medical tests, treatments,

medications, therapy, diagnosis, excercise of joints, and/or MRIs; Said conduct of defendants, and all of them, has included, but is not limited to, cell searches, disregarding medically ordered Chronos to cuff at waist or in front, denying access to cell and/or medications therein, withholding medications and medical supplies and reasonable accomodations (i.e. adjustable knee brace, egg-crate mattress, etc.), Locking plaintiff in cell all day/wrongful detention, delaying/denying treatments, withholding pain medications, failing to refer petitioner to pain specialist, withholding anti-inflammatory medications, and delaying/denying access to prompt medical treatment by a doctor and the Clinic on Facility One; Moreover, Defendants Canlas, Robert J. Hernandez, Choo, Romero, knew of these complaints, delays, and denials, and failed to supervise and act on them professionally and/or were negligent in their duties or deliberately indifferent. **(See Exhibits 3 & 9).**

21. Plaintiff has filed appeals through the prison grievance system relative to defendants' conduct described herein; One such appeal was filed on or about 6-22-05, wherein plaintiff asked for his disabilities to be documented on an 1845, that he be issued a 128-C Health Services Chrono, and that Plaintiff be issued an Egg-Crate mattrass/Head Rest to decrease pain while trying to sleep (Reasonable Accommodations) and decrease exacerbation of his Arthritic condition, and that plaintiff be provided other accommodations and meaningful adequate, and effective treatment because the pain medications were not working that he had been prescribed; Plaintiff had family members write to Warden Robert J. Hernandez making him aware of plaintiff's medical needs; Plaintiff additionally notified others of his medical needs such as Defendants Canlas, Choo, Romero, C/O Escalnte, and Nurse Whitehead via verbal encounters, medical requests (HCSRF), Appeals, and letters, of his needed treatment and medical care for his conditions (i.e. Arthritis, Knee Tear, Toe, Etc.); Plaintiff's Appeal is by defendants on or about January 16, 2006, A copy of this appeal

is attached, along with plaintiff's other appeals, to this Complaint; Plaintiff has thus exhausted all his administrative remedies and/or they have been made futile by defendants, and all of their, refusal/failure to answer appeals submitted subsequently, for the claims herein, yet delays and/or denial of treatment has continued; **(See Exhibits 1, 5, & 9).**

SPECIFIC FACTS

22. On or about 2-10-06, plaintiff reported to the Facility One Clinic Nurse's Line; The Nurse had the Doctor look at plaintiff's masses/lumps on his back, but the doctor refused to do any testing on them even though I said they were inflamming and hurting Doctor Kahng, Canlas, Choo, Romero, all knew of these masses and requests for treatment at this time and delayed and/or denied treatment and medical care as requested and needed. Doctors Canlas and/or Kahng were the Doctors on duty. **(See Exhibits #12).**

23. On or about 2-10-06, Escalante was the C/O on duty at the Facility One Clinic and I heard him tell the nurses and doctors that there's nothing wrong with me and that the prisoner is just drug seeking....I have heard C/O Escalante make this statement to the doctors and nurses on numerous ocassions and on information and belief numerous other prisoners have also heard and viewed guard Escalante make these kind of statements to the medical staff.

24. On or about 2-21-06, Plaintiff went to the Facility one Clinic because he was experiencing pain and inflamation in his back/lumps/masses, but the doctor on duty stated that "I think you could be immagining it all" or you could be psychologically causing it pain; Doctor Canlas and/or doctor Kahng was on duty that day and delayed and/or denied plaintiff treatment thereby. Doctors Choo, and Romero are aware of this visit and failed or refused to provided the needed care also. **(See Exhibit 12).**

25. Plaintiff again complained of the throbbing masses in his back and the doctors on duty, Canlas and/or Kahng denied and/or delayed requested medical

care requested and needed. Doctors Choo, Romero, were well aware of these medical requests, yet they refused to, and/or failed to act, to provide needed medical care to plaintiff.

26. On 3-3-06 Plaintiff again met with Doctor Kahng for a Doctor's appointment, and resolution of a CDC 602 Appeal; Plaintiff requested several reasonable accommodations, such as an Egg-Crate Mattress, Head-Rest, knee brace, etc., yet the doctor unreasonably claimed that plaintiff did not meet the criteria; But this is unreasonable due to plaintiff could be perscribe same on street (free world); Doctor Kahng stated that "If I give you an Egg-Crate Mattress & Head Rest, Everyone will want them." After I asked him if that was a reasonable accommodation, he agreed that it was, but even though he agreed that it was a reasonable accommodation, Doctor Kahng still refused to provide plaintiff with the needed and requested treatment. Doctor Kahng denied treatment, at this appointment. **(See Exhibits 5 & 12).**

27. On 3-9-06, plaintiff went to his doctors appointment at approximately 1500 hours. The doctor stated that he forgot petitioner's appointment but gave petitioner his shot of cortizone anyway, and the doctor stated that he would be giving me approximately four shots of cortizone each year, but Doctor Kahng and/or Canlas delayed and/or denied me these treatments; Doctors Choo, and Romero Knew about these treatments and denied them altogether. **(Exhibit 12**

28. Plaintiff has been experiencing severe degenerative pain in his right and left shoulders as is diagnosised on or about **June 17th, 2003,** by Doctor James Carter Thomas, M.D. (See Exhibit #1, CDC 602 exhibits 14 pages in); He has sought needed medical pain treatment, therapy, and othrer treatments, but to date doctors Choo, Romero, Warden Hernandez, Doctors Kahng, and Canlas have all deliberately ignored, delayed, and/or denied the needed and requested treatment.

On 10-28-05, plaintiff filed an 1824 reasonable accommodations claim form requesting verious reasonable accommadations with regard for his degenerative arthritis, knee injury, and other treatments, but this request is denied and/or unreasonably delayed by Warden Hernandez, Doctors Choo, and Romero, and Kahng, and Canlas. (Ex.#5).

On 10-19-05, plaintiff reported to a R.N.-Line and told the nurse and doctors about his degenerative arthritis problems and that the medications he had been taking were not working to relieve him of severe pain, and that the pain is interfearing with his normal daily functions and activities, including, but not limited to, preventing sleep, inability to pick up objects without spasms, without mobility problems, etc., and plaintiff requested reasonable treatment and accommodations at that time, but plaintiff was denied access prompt access to the doctor for needed treatmnet by Escalante, the nurse on duty JANE DOE, and the doctor on duty, doctors Kahng, and/or Canlas and was told that any treatment would be delayed and deferred to November 2nd, 2005, some two weeks while plaintiff remained in pain and needed immediate/prompt pain relief/medical treatment. (Ex.#3)

On 11-2-05. doctor on duty, on information and belief it is doctor Kahng/Canlas, and claimed that he was scheduling plaintiff for X-Rays and follow-up appointments, but plaintiff never received the X-Rays, so on 11-9-05, plaintiff went to the Facility One Clinic and inquired about the X-Ray scheduling. Guard Excalante, the nurse on duty Jane Doe, and the Doctor on duty, Kahng/Canlas told me to come back next week.

On 11-18-05, Plaintiff again went to the Facility One Clinic to inquire regarding his Knee X-Ray and also asked for an M.R.I. to be done, but they claimed not to have a record of it, and that plaintiff should again submit a HCSRF to see the doctor which would take another two to three weeks or more. Plaintiff is delayed and denied needed medical treatment at this time by the Doctors on duty, Doctors Kahng, and Canlas, the nurse on duty, JANE DOE, and the guard on duty Escalante whom refused me access to see the doctors at thtat time. On 11-18-05, plaintiff's 1824 response is due and he never was promptly given a response by Doctors Choo, Romero, Kahng, and Canlas.

29. On or about 3-4-06, Doctor Deering prescribed/recommended that plaintiff Lang be permanently assigned to a lower-bunk housing due to his severe arthritic condition and inability to utilize his arms properly to climb, and this arthritic condition is known to defendants Warden Hernandez, Doctors Choo, Romero, Kahng, and Canlas whom have delayed and/or denied effective medical care repeatedly. **(Ex.#13).**

30. On or about 3-6-06, staff physician Kahng perscribed/recommended that plaintiff be WAIST CUFFED ONLY due to his painful medical condition and inability to get his arms behind his back, and defendants and all of them knew of this Chrono and medical condition yet still delayed and denied needed medical care and/or ignored that medical care ordered.

31. On 3-24-06, plaintiff reported to the Facility One Doctor's-Line, but the Doctor on duty, Kahng/Canlas denied and delayed plaintiff effective treatment as plaintiff complained of knee and/or shoulder pain and was not given the requested M.R.I., X-Rays, and pain treatment. **(ex.#13).**

32. On 4-5-06, plaintiff again reported to a Doctor's-Line in the Facility One Clinic, and the doctor merely re-perscribed the medications that plaintiff told the doctors were not working, and denied and delayed treatment and needed medical care as requested of doctors Kahng, Canlas, and others.

33. On or about 4-17-06, plaintiff reported to the Nurse's-Line complaining of shoulder and knee pain, and yet again the nurse on duty deferred treatment requested and needed for several weeks, and Dostors Canlas and Kahng denied and/or delayed treatment knowingly, wantingly, and with deliberate indifferance to plaintiff's medical needs. **(ex.312).**

34. On or about 5-3-06, plaintiff reported to the Nurse's-Line complaining

of Knee, toe, and/or shoulder arthritic pain. The Nurse on duty, deferred plaintiff's medical needs and requests for reasonable accommodations unreasonably for several weeks and the doctors on duty, Defendants Kahng, and or Canlas again denied plaintiff prompt needed medical treatment and care.

35. On or about 5-10-06, plaintiff submitted a HCSRF complaining of severe shoulder pain from his degenerative arthritis, and he inofrmed the medical staff that the medication that were being given to him were not working to relieve his pain. Plaintiff also complained about pain in his lower back and hip and his right knee injury that had gone untreated since October of 2005. Petitioner was seen by the nurse, Jane Doe, on duty, and the doctors on duty, Doctors Kahng, and/or Canlass whom merely deferred treatment to a later date while plaintiff remained untreated for severe cronic pain, and they failed to properly and fully diagnos plaintiff's injuries, and treat thouse injuries at this meeting. **(Ex.# 3).**

36. On or about 5-11-06, plaintiff submitted an 1824 Reasonable Accommodations Request Form to the appeals office complaining that he is not being provided with adequate, effective and meaningful arthritis pain managem-ent medications for severe pain; Knee hip and back pain that has been causing plaintiff to sufferr unnecessarily, and additionally causing him not to be able to function and walk normally. He complained about the fact that his knee surgery being delayed unreasonably and requested that he be given pain medications that work, a disability chrono for his mobility impairment, with work restrictions, and no longer delay the surgery that he needs and is perscribed.

37. On or about 5-12-06, plaintiff reported to the nurse's-Line, and informed the nurse on duty, Defendant Jane Doe, of his severe pain problems, the medication needed, and the shoulder, knee, back and hip pain, and delayed surgery and requested to see a doctor promptly pursuant to emergent/urgent

needed medical care, but the nurse, Jane Doe, denied me access to the doctors on duty, and doctors Kahng and/or Canlas denied me access to prompt treatment at that time also, and the guard on duty, Excalante, denied me access to the doctor by ordering me to go back to the housing unit, thus denying and delying access to prompt needed urgent medical care. (Ex.#12).

38. On or about 5-18-06, plaintiff reported to the Doctor's-Line and reuested reasonable accommodations and pain treatment, but the doctor on duty, doctors Kahng/Canlas denied plaintiff any requested pain medications and merely gave plaintiff medication that plaintiff told the doctor did not work to relieve his pain; Nor did doctor Kahng do anything about plaintiff's knee, back and hip pain and requested/perscribed surgery to expedite that process. Doctors Kahng/Canlas merely deferred treatment that is meaningful and effective to a furture date leaving plaintiff in pain. The doctors stated that follow-up appointment would be done but failed to followup on those appointments. Doctors Choo, and Romero knew about these appointments and failed to make sure that plaintiff received his follow-up appointments. Defendants Choo and Romero faciled toprovide and/or have their subordinates provide needed medical care to plaintiff. (Ex.#12).

39. On or about 5-27-06, plaintiff submitted a Level D.Formal Level response to his ADA issue requesting effective and adequate medical care and accommodations.

40. On or about 6-2-06, plaintiff reported to the nurse's-Line and complained of needed medical care and prompt care, but the nurse on duty, Jane Doe, and the guard on duty Escalante, denied plaintiff prompt access to the doctors at this time without telling the doctors nor documenting his complaints. (Ex.12).

41. On or about June 21, 2006, plaintiff wrote to J. Stovall, Inmate Appeals Coordinator at RJDCF, regarding the unanswered CDC 1824 Reasonable

Accommodations complaint submitted on 5-17-06. Plaintiff complained of no response being given but was denied and delayed treatment regardless of his efforts to seek relief of pain and surgery.

42. On or about 7-5-06, plaintiff reported to the nurses-line and complained about severe pain and needed treatment for his arthritic condition, and his knee, and back pain, but the nurse on duty, Jane Doe, failed to document the request for urgent medical care and delayed and denied plaintiff access to the doctor on duty. **(Ex.12).**

43. On or about 7-18-06, plaintiff reported to the Doctor's-Line and complained of severe pain and requested reasonable accommodations for pain treatment and needed surgery, but the doctor merely re-perscribed the same medications that plaintiff told the doctors Canlas/Kahng did not work and thus denied and delayed treatment at that time. **(Ex.12).**

44. On or about 8-4-06, plaintiff reported to the Nurse-Line and again complained of severe pain, but the nurse on duty, failed to document said complaints and thus Jane Doe Defendant delayed and denied plaintiff treatment and so did the guard on duty deny/delay access to treatment and the doctor, defendant Escalante as he ordered plaintiff to return another time without care of plaintiff's medical needs.

45. On or about 9-1-06, plaintiff reported to the Nurse Line and again complained of needed urgent medical care due to severe arthritic pain, back and hip pain, but the nurse and doctor on duty, Jane doe, and doctors Kahng/Canlas denied and delayed treatment by deferring to a future appointment without examination and documentation. **(Ex.12).**

46. On or about 10-6-06, plaintiff reported to the doctors appointment with doctor Kahng/Canlas requesting immediate pain relief and medications for plaintiff's arthritic pain in his shoulders, yet the doctor failed to provide effective, requested, and meaningful treatment and pain relief.

On or about 12-15-06, plaintiff reported to a doctors appointment with doctor Kahng/Canlas, and he informed the doctor that the medications plaintiff has been receiving do nothing for his pain and again asked for pain medication that works to relieve pain and will enable plaintiff to function normally on a daily basis, yet Doctor Kahng/Canlas denied and delayed treatment and deferred treatment to another appointment. Defendants Kahng/Canlas knew and/or should have known about all plaintiff's requests for medical treatment as they claim to have reviewed plaintiff's medical file thoooughly. (Ex.12)

47. On or about 1-25-07, Plaintiff reported to another doctor's appointment and requested paint relief and immediate and urgent treatment for arthritis pain, back pain, and hip pain, yet meaningful and effective treatment was denied by doctor Kahng/Canlas, and doctors Choo, and Romero knew or should have known of this appointment yet again delayed and denied treatment. (Ex.12).

48. On or about 2-21-07, plaintiff requested immediate urgent needed mendical care and treatment for pain relief of his shoulder, knee, and back and hip pain but defendant nurse Whitehead deferred treatment and refused to permit plaintiff to see the doctor on duty, and the doctor on duty, doctor Canlas and guard Escalante denied and delayed treatment at this time.

49. On 3-22-07, plaintiff went to a doctor's appointment to see defendant Canlas and requested treatment for pain relief, yet again none was perscribed, and doctors Choo, and Romero knew or should have known, of this appointment and request for treatment yet failed to act to provide proper prompt treatment for plaintiff's medical needs. (Ex.12).

50. On or about 4-10-07, plaintiff reported to the nurses line to request urgent pain relief for shoulder, knee, and back and hip pain, yet again nurse Whitehead, and/or the nurse on duty, deferred treatmnet failing to address the doctor on duty and/or the doctor on duty, doctor Canlas denied

and delayed treatment that is needed and requested which he has known about.

52. Plaintiff, Lang, has submitted numerous HCSRF for which he no longer has copies of, over the months and years of 2005, 2006, 2007, and 2008, yet medical staff either misplace those requests, failing to even respond to them along with 602/1824 Appeals, but they have all basically resulted in a denial and delay of treatment. How many times must a person, Plaintiff, request help and needed pain releif and medical care before it is considered deliberate indifferance. repeated denials and/or delays can amount to a wanton deliberate indiffenance and thereby be cruel and unusual punishment. Plaintiff incorporates all dates and time and defendants into this complaint and paragraph by this referance that he may have missed and/or discover upon further litigation and discovery processes. **(Ex.3).**

53. On or about 10-22-07, plaintiff submitted a CDC 602 Appeal stating that one 10-15-07, he sent a HCSRF to the RJDCF One Clinic requesting immediate and prompt treatment for Degenerative Arthritis Pain and his knee, and Back, and hip pain, and also inofrming the medical staff that follow-up appointments were not followed up on, and that plaintiff has not received adequate, effective and meaningful treatment but has sufferred debilitating pain due to the lack of theatment and medical care by the staff, Doctors Kahng, Canlas, Choo, and Romero, and Nurse Whitehead. At the Sceond Level of this Appeal, Doctors Choo and Romero GRANTED PLAINTIFFS Appeal, yet merely paid lip service to Plaintiff, Lang's, Appeal, as nothing was done to supervise staff in providing needed treatment requested and to relieve plaintiff's suffering and pain, and they knew of all requests and HCSRF submissions and appointments as they reviewed the record, and they also know of the X-reys and the condition plaintiff suffers, yet failed to provide prompt needed pain relief that is meaningful and effective, nor provided supervision to doctors whom failed in their diagnosis and failed to provide needed tests (MRIS), but rather they

also failed to interview the plaintiff and examine him before making such life altering decisions on an Appeal for help. Doctors Choo and Romero failed to provide plaintiff with needed pain relief medications without proper and full evaluation of the record and patient. **(Ex.9).**

54. On or about 10-23-07, plaintiff submitted a HCSRF requesting relief from severe pain and informing medical staff that the pain is so bad that it is interfering with his sleep, walking properly, and using his arms properly, causing muscle spasms, etc., yet again doctors Choo, Romero, Canlas, and the Warden Hernandez, failed to supervise to provide plaintiff prompt treatment and needed pain relief as plaintiff was again left to suffer for weeks in pain before even being seen and once seen nothing was done. **(Ex.3).**

55. On or about 10-25-07, I went to medical Clinic One requesting immediate treatment for shoulder pain adn knee pain, and Doctor Livesay even escorted me over there as it was interfering with my mental health treatment and progress and exacerbating my depression. Doctor Livesay and Plaintiff both requested immediate treatment and to see a doctor yet guard Escalante denied plaintiff access to the doctor and failed to record urgent medical request by plaintiff, and his doctor, Doctor Livesay. Escalante also denied and delayed access to needed medical care and the nurse on duty.

56. On 10-26-07, plaintiff was in so much pain that it exacerbated his depression and psychological condition that Doctor Livesay a second time escorted plaintiff to the Facility One Clinic and told guard Escalante to get me in to see the doctor, but as soon as Doctor Livesay left, guard Escalante chased me off and told me to just put in a medical request (HCSRF) but Icomplained of right knee pain, and shoulder pain and depression, lack of sleep , and inability to use plaintiff's arms normally but Escalante said I was faking and turned me away, failing to document urgent care request by plaintiff's doctor and plaintiff. **(Ex.5).**

57. On or about 7-6-07, plaintiff reported to the doctors line at the Facility One Clinic and requested urgent treatment for severe pain from his arthritis, knee, back and hip pain and toe pain but doctor Canlas and/or Kahng deferred treatment and reasonable care to a future appointment and refused to change plaintiff's medication to medication that relieves his severe pain allowing plaintiff to remain in pain and his degenerative arthritic condition and knee and back pain conditions to worsén and prevent plaintiff from normal daily activities such as sleep, work, proper exercise, walking without a limp, running, and playing sports normally. **(Ex.12).**

58. On or about 7-20-07, plaintiff reported to the nurse line complaining of severe pain and requesting urgent treatment and needed care for his arthritic condition and test to be done but doctors Kahng, Canlas, and the nurse on duty Jane Doe, refused immediate care and deferred plaintiff to a future appointment several weeks away while he remain in pain. **(Ex.12).**

59. On or about 9-4-07, plaintiff reported to the nurses line requesting treatment for said pain in his shoulders, back, knee, toe, and hip, but plaintiff Lang was merely deferred treatment unreasonably as it has been for the past three years or more. Doctors Canlas, Kahng, Choo, and Romero knew of this appointment, and or should have known, and failed to supervise their subordinates to provide proper, prompt, needed care, or faile to act at all, or the nurse on duty, failed to properly address the situation to the doctors and record urgent care requested by plaintiff.

60. On or about 10-29-07, plaintiff submitted another HCSRF, as no effective medical care, other than asprin type useless care, has been given, and plaintiff is disabled with severe pain daily, and his pain has been on a scale of one to 10, 7-8, excruciating; Plaintiff went to the clinic to request urgent treatment as he was told by guard Escalante on 10-26-07 to come back on Monday, but regardless of the paint plaintiff

reoprted and complained of injury Escalante again deferred access to the doctor and failed to record Urgent care request as required. This was all after Doctor Livesay requested urgent care for plaintiff on or about 10-26-07, and Escalante failed to immediately inform a nurse and/or doctor. The pain makes it hard for plaintiff to contrate on anything else but the pain! The pain interferes with his thinking process daily! Plaintiff has informed the doctors and nurses and custory staff that his pain is very debilitating. **(Ex.3).**

61. On or about 11-1-07, plaintiff reported to the Facility One Doctor's-Line at approximately 1130 hours and waited four hours to see a doctor, doctor Canlas whom plaintiff complained of disabling pain in his shoulders, knee, back and hip and toe, and also informed doctor CanLas/Martinez of the Cortisone shots ordered by Kahng four times yearly, but they refused to given the shots to plaintiff and also refused to provide any needed and requested care but again deferred treatment to another appointment even though plaintiff claimed of severe pain needing urgent treatment and pain that disables plaintiff's sleeping, walking, exercising, thinking, and daily activities and just moving normally about. **(Exibit 12).**

62. On or about 11-8-07, plaintiff filed a Government Claim form complaining of denied and/or delayed treatment and Cruel and Unusual Punishment, pain and suffering due thereto, and deliberate indifferance and worsening medical conditions and diasbilities, and plaintiff sent copies to Warden Hernandez, and CDCR Director Teresa Schwartz, but they failed to supervise their medical subordinates to provide plaintiff Lang with prompt needed medical care and denied all claims and relief instead.

63. On or about 11-9-07, reported to the Facility One Clinic Nurse Line complaining of severe pain from his arthritic degenerative condition, Knee tear, toe arthritis, lumps throbbing and back/hip pain and requested urgent

needed medical care and pain relief, but nurse Whitbead failed to inform the doctor on duty, and/or the doctors on duty, failed to provide prompt needed pain relief and urgent medical care to plaintiff. Nurse Whitehead failed to permit Plaintiff prompt access to the doctor, anddeferred, unreasonably, to a future appointment. (Ex.12).

64. On or about 11-23-07, plaintiff wrote a letter to Robert Sillen, Federal Receiver, noticing of litigation and action being taken against the defendants for their deliberate failure to provide needed medical care and cronic pain, severe urgent pain, treatment and followup appointments. Plaintiff also noticed Warden Hernandez, Teresa Schwartz, Director of Corrections, but the defendant Warden Hernandez failed to supervise the medical staff in providing prompt needed medical care and severe pain relief, and failed to provide for testing and surgical procedures ordered and/or needed, and/or provide effective medications for pain relief. (Ex.14.).

65. Plaintiff filed numerous CDC 602/1824 Reasonable Accommodation Appeals, yet many of them have not been responded to, suppressed, lost, or destroyed and thereby delayed and denied adequate, effective, meaningful medical care and Warden Hernandez failed to supervise staff in the proper handling and processing of RJDCF Appeals. On or about 11-28-07, plaintiff filed a medical appeal at thefirst level of appeal but this appeal has been lost as many others have. Plaintiff is a Mental Health Patient at the E.O.P. Level of Care and has been taken advantage of due to this fact, and the fact that he suffers from severe depression and other mental illnesses that at times disables his thinking process and ability to properly deal with the oppressive situation of denial of medical care and the issues are so many and complex he is not always able to protect his Constitutional Interests effectively. Defendants, and all of them, have been informed that denial and delay of needed medical care exacerbates plaintiff's depression

and other mental/psychological diagnosis.

66. On or about 12-3-07, plaintiff submitted a letter to the Appeals Corridinator, J. Stovall regarding an unanswered Medical Appeal, and this problem continued to delay and deny plaintiff access to the medical for needed medical needed care. Warden Hernandez is aware of this problem and has not supervised his subordinates to resolve the problem. **(Ex.15).**

67. On or about 12-4-07, plaintiff reported to the clinic for a doctors appointment, but the doctor did not have plaintiff's medical file and Doctor Canlas and Martinez delayed and denied treatment and examination at that time unreasonably when they can do the examination, order tests, and provide needed care and file the paperwork later. The appointment has been delayed and denied for more than a week or two even though plaintiff requested urgent care for severe pain in his shoulders, back, hip, knee, and tried to get the testing for his tinnitis and lumps in his back. **(Ex.12).**

68. On 12-13-07, plaintiff went back to the clinic and complained of not being re-ducketed for the appointment of 12-4-07, and plaintiff asked guard Escalante for urgent treatment for severe pain, but he failed to report to the doctor and/or nurse on duty of this request, and failed to document it according to procedure and denied anddelayed plaintiff's access to the doctor and needed medical care again. Plaintiff had not be re-scheduled for an appointment as recorded in his medical notes on or about 12-23-07. (See **Exhibit #5** Personal Medical Journal).

69. On or about 12-21-07, plaintiff received a letter from the Department of Corrections, RJDCF, Health Care Manager (A) Dennis Morris, after informing the Warden about my situation, and that I was not receiving effective medical care; (See attached **Exhibit #6**, RJDCF Letter Dated: 12-21-07). The Warden has been well aware of plaintiff's need for medical care and instead of providing the needed medical care, for which he failed to do, he had his

subordinate, Dennis Morris, write a letter, failing to interview plaintiff, failing to examine plaintiff, and deny and further delay treatment that is meaningful, and effective. Doctor Choo and/or Romero failed to supervise her subordinates to provide meaningful, addequate, and effective pain treatment, tests, and surgery for plaintiff's ripped and painful knee injury.

70. On or bout 12-27-07, plaintiff received a response to his letter requesting intervention in the medical problem here at RJDCF to no real avail.(See **Exhibit #7**, Letter form Fed.Receiver Rober Sillen, 12-27-07).

71. On or about 1-3-08, plaintiff received notice from the Government Claim Office that his claim for denial and delay of medical treatment is accepted as claim number G571431 (See **Exhibit #8**, Government Letter Dated: 1-3-08).

72. On or about 1-8-08, plaintiff reveived a letter from the Division of Correctional Health Care Services in response to plaintiff's letter complaining of suffering caused by RJDCF staff denial and delay of needed medical care, and this letter was also sent to RJDCF Health Care Manager, whom failed to supervise subordinates in the proper care of plaintiff and proper ordering of tests, and treatments, and prompt surgical procedures, and plaintiff is informed and believes that the Warden Hernandez has been aprised of the situation and he failed to supervise his subordinates in the proper and prompt surgical procedures from outside contracted doctors and hospitals, and providing needed medication for effective pain relief. (See **Exhibit #8**, Division of Correctional Health Care Services letter Dated: 1-8-08).

73. On or about February 21, 2008, plaintiff's State Government Claim Form was denied. (See **Exhibit #8**, Government Claims Program Letter Dated: 2-29-08).

74. On or about 1-8-08, plaintiff submitted a HCSRF requesting prompt treatment for his tinnanitis testing, followup on doctor's appointmnet of 12-4-07, and requesting urgent care for his severe pain as stated supra in

paragraphs 14-73, incorporated herein. Plaintiff has been denied needed prompt medical care by defendants, and all of them, as set forth herein.

75. On or about 1-14-08, plaintiff submitted yet another HCSRF informing the doctors that treatment ordered has been unreasonably delayed, and requesting treatment. Doctors Choo, Romero, and Canlas knew of these HCSRF submitted and failed to promptly act to provide plaintiff with needed medical care. **(Ex.3).**

76. On or about 2-8-08, plaintiff went to the doctors line to talk with doctor Canlas about the severe pain that plaintiff has been experiencing. Doctor Canlas lied to my face and said that he could not treat plaintiff for his arthritis due to him having Hepatitis C, but doctor Canlas know that plaintiff has not detectable viris within his system, yet still failed to provide needed and requested medical care.

77. On or about 4-26-08, plaintiff recieved his Directors Level Denial of an additional Appeal that he filed back on or about 10-22-07. The Appeal denied the appeal, on the first page, paragraph III., yet in paragraph C. of page 2, they claim that "No changes or modifications are required by the Institution;" The Institution GRANTED THE APPEAL YET STILL HAS DENIED AND DELAYED TREATMENT AND NEEDED MEDICAL CARE (See **Exhibit #9**, Directors Level Appeal, Dated: 4-26-08).

78. On or about 3-29-08, plaintiff submitted another HCSRF informing the doctors Romero, Choos, Canlas and Martinez, and Smith, and Meunier, that plaintiff is in continuous pain and that his surgery perscribed by Doctors Martinez and Smith has either been unreasonably denied and/or delayed. These defendants, including, but not limited to Nurse Whitehead also, failed to supervise their subordinates and provide the perscribed treatmnet and give needed treatment requested, including Warden Heranndez. **(Ex.3).**

79. On or about 2-25-08, guard Escalante, and/or John Doe guard on duty,

at the Facility One Clinic, denied plaintiff access to a doctor and/or nurse by cancelling appellant's appointmnet for no apparent reason, and plaintiff was never called to report to the clinic. Guard Escalante and/or the guard John Doe on duty, failed to document urgent care request and why appointment was cancelled as plaintiff went asking why he was not called as he has never refused to go the the Facility One Clinic for needed treatment.

80. On or about 4-9-08, plaintiff submitted a HCSRF informing Doctors Canlas, Martinez, Choo, Romero, Warden Hernandez, and Nurse Whitehead that nothing has been reasonably done to provide plaintiff with pain relief for his complained of problems and his surgery perscribed has been unreasonably delayed and/or denied. Doctors Canlas, Choo, Romero, Nurse Whitehead, and Warden Hernandez failed to supervise their subordinates and/or provide for the requested prompt effective medical care needed. Defendants, and all of them, failed to promptly document urgent medical care requests and/or provide for prompt surgical procedures and transport to be done leaving plaintiff in pain. **(Ex.3).**

81. On or about 4-28-08, plaintiff informed Doctors Choo, Romero, and Canlas that plaintiff never refused an appointment via HCSRF, and he also complained of not being relieved of his plain and that the medications that have been perscribed have been useless, as if given nothing at all, and these doctors, Defendants, and all of them, knew or should have known of these complaints and failed to act on them in a prompt and reasonable manner to provide plaintiff with needed tests, treatments, medications, and sugery as perscribed. **(Ex.3).**

82. On or about 4-30-08, plaintiff reported to the Nurse Line and he requested urgent needed medical care for severe pain in his knee, shoulders, back, hip, and toe, but Nurse Whitehead, and/or Jane/John Doe on duty failed to properly document the request and inform the doctor that day, and/or failed

to provide the needed care at that time, but deferred treatment to a future date, weeks away.

83. On or about March 17, 2008, plaintiff was again diagnosed with severe bilateral shoulder degenerative joint disease, by Doctor Smith, and doctor smith additionally perscribed/recommended that plaintiff be referred to UCSD for surgical procedure of total shoulder orthoplasties bilaterally, but the contracted doctor at UCSD failed to do the consult ordered and also denied the treatment ordered without examination of plaintiff failing to properly diagnose, perscribe treatment for, and/or perform the perscribed/recommended surgical procedures, and doctor Matthew Meunierdefendant unreasonably denied and/or delayed plaintiff's needed medical treatment/surgery.(See **Exhibit #10**, Doctor D.G. Smith's diagnosis/perscription/recommendation).

84. On or about 4-16-08, plaintiff handed guard Escalante another CDC 602 Appeal, in the presence of Mr. Dixon, complaining of reporting to the Facility One Clinic on 4-16-08, to request a cortizone shot and/or pain medication to relieve the pain in his shoulders and right knee, and requested reasonable accommodations but this appeal has been lost, suppressed, and/or destroyed as plaintiff is frustrated at every try to receive effective and needed medical care. Guard Escalante failed in his fuduciary duty to give the Medical Appeal to the Doctor as named, claimed to have put it in the Appeals Box When plaintiff specifically told him to hand it to the Doctor as he denied access at that time. Guard Escalante has thereby denied access to the care needed, and delayed medical care to plaintiff failing to perform his duty and/or document the Appeal request for urgent care. (See **Exhibit #11**, 602 Appeal submitted on 4-16-08).

85. On or about 5-9-08, plaintiff reported to the doctors line and requested pain releif form the doctor on duty, doctor Canlas, and/or doctor Martinez, but even though I told the doctor that the previous medication

did not work and that plaintiff is in severe pain in his shoulders and knee, and back, he denied plaintiff effective medical care, and failed to perform his duty to fully examine his patient, merely asking plaintiff questions and doing nothing else, and stating that plaintiff is drug seeking as he was told by guard Escalante that, and that plantiff is faking.

86. Upon information and belief, On or about 4-23-08, Defendant doctor Matthew Meunier contacted RJDCF, doctors Choo, and or Romero, and or Jane and/or John Doe, and unreasonably denied/delayed perscribed/recommended surgical procedures on plaintiff's shoulders without the ordered consultation. Doctors Smith, an Martinez both recommended and perscribed surgical removal of plaintiff's rotator-cups in his right and left shoulder due to the severe degenerative arthritis damage and pain. Doctors Choo, Romero and Meunier are deliberately indifferent to plaintiff's pain and suffering and need for surgical procrdures and/or also negligent in denying and/or delaying the needed medical care without reasoning and/or ordered consultation, and they defendants, and all of them, failed to provide needed and requested pain medications that are effective to relieve plaintiff form his pain. Because they failed to provide that pain medication, plaintiff is suffering unnecessarily, impaired in his ability to think, walk normally, and use his arms normally in a full range of motion that has impaired his ability to function and participate in numerous daily activities.

87. On or about 6-2-08, plaintiff sent yet another HCSRF to Doctor Choo and Doctor Romero complaining of the delayed and denied surgical treatment and pain relief and medication, yet that request was never responed to by either doctors. **(Ex.3).**

88. On or about 6-3-08, plaintiff submitted a HCSRF to Doctor Canlas and or Doctor Martinez complaining about pain in plaintiff's shoulders, sciatic nurve pain in his lower back and hip, toe pain, and knee pain, yet still no

effective treatment and/or prompt treatment and pain relief has been provided to plaintiff, and plaintiff was caused to unnecessarrily suffer debilitating and degenerative pain that interferes with his daily activities as said in the above apragraphs. (Ex.3).

89. On or about 6-4-08, plaintiff submitted a HCSRF to doctors Canlas, Choo, Martinez, and Romero requesting surgery as soon as possible but was once again ignored and not responded to. (Ex.3).

90. On or about 6-6-08, plaintiff reported to the Nurse Line, and spoke with the nurse on duty, defendant Whitehead R.N., and/or the nurse on duty Jane/John Doe, requesting urgent treatment for plaintiff's severe pain in his shoulders, back, knee and toe, but Nurse Whitehead, and/or Nurse Jane/John Doe, and Guard Escalante failed to document urgent treatment request and once again denied and/or delayed needed medical care and access to the doctor. Ex.12

91. Plaintiff Lang has been unreasonably delayed access to medical staff and needed medical care due to Defendants', and all of their, failure to promptly act to provide that care to plaintiff, and due to the medical visist being delayed/sceduled some two, three, or even months in the future has delayed plaintiff, unreasonably and/or unnecessarily, in making his medical needs know to medical staff and getting the needed medical care. Defendants have caused plaintiff to suffer unnecessarily and be impaired in his daily activities due to their indefference and failure to act promptly.

92. On or about 6-9-08, plaintiff reported to a doctor's appointment, to see doctor Smith about his shoulders and pain plaintiff is experiencing, and he requested conrtizone injections to relieve pain temporarily, yet doctor Smith informed plaintiff that the cortizone injections "wont do you any good, and he re-recommended and perscribed consultation and/or surgery for plaintiff's shoulder at Alverado Hospital, but that has been unreasonbly delayed and/or denied, and plaintiff is left in pain to suffer unnecessarily.

93. On information and belief, if plaintiff is not provided with the requested effective pain medications, and/or surgical procedures, plaintiff will suffer unnecessary pain, permanent disability in arm motion, and loss of future job opportunities, daily activities, and ability to perform activities that require **a** thought process and clarity. **(Ex.12).**

94. On numerous occassions, plaintiff has unnecessarily suffered pain and lost sleep, normal walking ability, normal thinking ability, and an inability to move arms, hands and shoulders to function in a normal manner daily. Plaintiff is also continuing to suffer depression severely and other mental disabilities due to the defendants', and all of their, failure to provide plaintiff prompt, effective, needed medical care.

95. On information and belief, when plaintiff files a grievance, the grievance staff calls the matter to the attention of thes individuals responsible for the matter that the grievances conserns, i.e. Defendants Choo, Romero, Whitehead, Meunier, Canlas, and Warden Hernandez. These defendants are responsible for medical care generally and for arranging for specialized medical care outside the prison.

96. On information and belief plaintiff is not provided with surgery, **in a prompt manner**, plaintiff is not provided with **prompt** and urgent pain relief for severe arthritic, knee, and back, and toe pain. Defendants, and all of them, have failed in this respect. Plaintiff is suffering form severe arthritic pain and without the prompt care requested and needed, and without the prompt surgical procedures proformed and/or effective pain medication perscribed, he cannot even dress, undress, and do all normal functions daily without severe pain/spasms.

97. On or about 5-19-08, plaintiff reported to the Facility One Clinic for a doctor's appointment with Doctor Martinez who informed me that the U.C.S.D. doctor Muenier had denied me the recommended/perscribed surgical

procedure on my shoulders without explination. Upon information and belief, doctor Martinez informed me that there is no report in the Medical File, and thus Defendant Muenier denied and/or delayed the recommended medical procedures without good cause and/or consultation with plaintiff. Defendant Muenier failed to perform his faduciary duty to provide meaningful, adequate, and prompt effective medical care to plaintiff. **(Ex.12).**

98. Plaintiff has submitted numerous HCSRF over the past three years requesting urgent care for his serious arthritic pain, knee pain, back and hip pain, toe pain, lumps in his back, and tinnanitis all related to his need for medical mare and incorporates them herein by referance and will submit them upon discovery and trial and as needed and requested by defendants and the Court, and upon information and belief defendants, and all of them, failed to provide prompt, urgent, and needed medical care to plaintiff on or about each specific date as evidenced. Plaintiff submitted a HCSRF on the following dates that were delayed and/or denial of treatment (See **Exhibit** #3, **H.C.S.R.F.**): 6-22-08, 6-30-08, 6-23-08, 7-15-08, 5-9-08...... **(Ex.3).**

99. On orabout 6-23-08, plaintiff reported to the doctor's line and spoke with doctor Canlas, and plaintiff requested treatment, medication, and testing for verious medical problems, i.e. MRI for shoulders and knee, and toe pain problems; Additionally plaintiff requested that the doctor expedite surgical procedures on his shoulders, yet the doctor told plaintiff that he could only deal and treat one problem per visis, and plaintiff complained that each visit only deal with one problem as he is in severe pain now, and the next scheduled visis may not be scheduled for two to four weeks. Moreover, plaintiff is charged $5.00 for every visis, but Doctor Canlas told plaintiff to choose what is most priority to him; Plaintiff complained that all were a priority, but the doctor refused to deal with any other problem then the one prioritized.

100. On information and belief, Doctor Canlas has made other inmates prioratize medical problems, refusing to treat/deal with more than one problem per visit, and leaving prisoners to suffer with other medical problems for weeks at a time thereby delaying and denying treatment and needed medical care and causing unreasonable and unnecessary suffering to prisoners, including plaintiff. **(Ex.12).**

101. On information and belief, Doctor Canlas has told inmates, including plaintiff, that if he wanted good medical care, he should have never come to prison. Also on information and belief Canlas has told inmates that they are just drug keeking and refused to treat and provide needed medical care and been hostile with numerousinmates.

102. Defendant Escalante on occassion has told staff that Lang is faking, because he saw him playing handball, and that Lang is merely drug seeking, and Defendant Escalante also told Plaintiff Lang that he has told the Medical staff this and custorial staff also.

103. On or about 7-2-08, plaintiff reported to the Nurse's Line, to Nurse Whitehead, complaining about severe pain in his sciatic back/hip lag, Shoulders, right Knee, and toe and requested urgent medical care, but nurse Whitehead, refused to provide that care and permit plaintiff to immediately see a doctor, and failed to properly document urgent care and report to a doctor immediately or the doctor on duty unreasonably refused needed medical care to plaintiff, doctor Canlas, Martinez, or John Doe, and plaintiff is again denied and delayed medical care needed and left to suffer unreasonably and his pain and medical conditions to worsen and further cause disabliity in his participation in daily activities. **(Exhibit 12).**

104. Doctor Canlas, Martinez, Choo, Romero, have all failed to provided plaintiff needed medical care on folloup appointments, and/or failed to have them scheduled in a prompt manner and accoring to policy and procedures; Thus

leaving plaintiff in pain to suffer unnecessarily, and causing his knee tear and degenerative arthritic conditions to worsen unnecessarily, as it could have been corrected by surgical procedures, and caused plaintiff to be further disabled and not be able to do normal activities without pain and suffering, i.e. thinking impaired, walking impaired, sleeping impaired, and all activities movement have been impaired and/or plaintiff is not able to participate in programs, work, and activities that he would otherwise participate in without pain, or with less pain in doing them.

105. On or about 7-15-08, plaintiff went to the Facility One Clinic and approached guard Escalante requesting urgent care from the doctor and/or nurse, but guard Escalante failed to properly document urgent care request and did not permit plaintiff to see the doctor or nurse. He specifically said: "No, get out of here Lang before you get put in the hole --- Don't let the Lt. see you here." This was the day they wrongfully cuffed and put me in my cell for the remainder of the day.

106. On information and belief, plaintiff is scheduled for a followup medical appointment that has been unreasonably delayed and or denied, and on or about 7-7-08, plaintiff is scheduled for another followup appointment regarding his MRI by doctors Canlas and Martinez, but that appointment is delayed and denied and plaintiff was never seen for it.

107. On or about 8-12-08, plaintiff reported to the nurse line and complained of severe pain and need for urgent medical care, but the nurse on duty, Jane Doe, deferred treatment to a future date unreasonably and failed to properly document urgent care request and inform the doctor on duty. **(Ex.12).**

108. On or about 8-26-08, plaintiff reported to the doctors line, but he was denied access to the doctor by guard Escalante, and told that he was being scheduled for another appointment in the future because the doctor did not have has chart, but plaintiff requested urgent care, and informed

the guard that they could do the appointment without the chart and put the doctors orders and notes in later with the chart arrived or at records, but defendant Escalante denied and delayed access to the doctor regardless of plaintiff's requests. **(Ex.12).**

109. Plaintiff has reported to numerous Doctor's Line and/or Nurse's Line appointmnets and passes, but relatively the same result has occurred, plaintiff has been denied and delayed needed medical care and that care requested; Plaintiff incorporates by this referance all appointment that he has missed documenting, lost passes and/or the documentation thereof, and alleges that Defendants, and all of them, knew or should have known of them,and caused plaintiff unnecessary suffering and pain due to their neglect, failure to provide requested and needed medical care, and failure to provide plaintiff testing (i.e. MRIs), surgical procedures, and pain medications that work on him such as Avinza, OxyContin, Percocet Endocet, with other anti-inflammatory medications also, such as Lyrica, etc. but rather than provide plaintiff medications that he could have gotten in free society from the doctors, they Defenants, and all of them, chose to delay and deny needed care and cause plaintiff unnecessary pain and suffering.

110. Plaintiff has filed appeals through the prison grievance system relative to the conduct of defendants described herein; One such Appeal is attached as **Exhibit # 1**, wherein plaintiff asked for his "Disabilities to be Documented on an 1845," that he be issued a 128-C Health Services Chrono," that he be issued an "Egg-Crate, mattress and Head Rest" to decrease pain and exacerbation of arthritic condition, that he be given other meaningful treatment and test. Plaintiff's appeal was granted by defendants on or about January 16, 2006, yet the granting of the appeal was merely lip service paid to plaintiff as nothing has been done as was granted; Another such Appeal is attached as **Exhibit # 9**.......Treatment and medical care needed has

been unreasonably delayed and/or denied, and plaintiff is unnecessarily left to suffer pain and worsening conditions of his arthritis and knee tear and back pain.

CLAIMS FOR RELIEF

(Eighth Amendment Violation - Deliberate Indifference to) Serious Medical Needs

111. Plaintiff refers to and incorporates by reference herein all the allegations of paragraphs one, 1, through 110, inclusive;

112. Plaintiff's medical condition, as described herein, constitutes a serious medical need in that failure to treat the conditions have resulted in further significant injury, and the ongoing failure to treat plaintiff's medical conditions is likely to cause more serious injury, and said injury includes, but is not limited to, severe depression, impaired thinking process, mobility impairment of arms and legs, inability to walk, shower, sit and/or stand for any length of time, inability to lift heavy loads, inability to write, read, and work for long periods of time, inability to exercise normally and participate in games and daily activities without pain, and impaired sleep process, and inability to lay on bad normally, and iability to reach, bend over, and position himself where he is not experiencing pain. Plaintiff's medical conditions significantly affect his mental, psychological, and physical well-being, and his every day activities in prison and daily life. The injuries of his shoulders additionally interfere with how he wips his ass, and performs bodily waste functions.

113. Plaintiff is informed and believes, and thereon alleges, that defendants, and all of them have acted intentionally inthe manner described above in paragraphs 14 through 112, pages 3-5, & 13-43, and with knowledge of plaintiff's suffering and pain and the risk of further serious harm and injury that could result form their actions or refusal to act.

114. Defendants Hernandez, Meunier, Choo, Romero, Canlas, Whitehead, Escalante, and Jane/John Does conduct violates 42 U.S.C. §1983, and §§12101 et seq., because that conduct constitutes deliberate indifference to plaintiff's serious medical needs in violation of his Eighth Amnedmnet right to be free from cruel and unusual punishmnet, and denial and/or delay of needed medical care and pain management constitutes creul and unusual punishment under Estelle v. Gamble (1976) 97 S.Ct.285, Rhodes v. Chapman (1981) 101 S.Ct.2392, and Boyd v. Knox (1995) 47 F.3d 966, among others.

115. The failure of Defendants Choo, Romero, Hernandez, Canlas, Meunier, Whitehead, Escalante, and Jane/John Does to provide plaintiff with prompt, adequate, meaningful, and effective medical care and medications, surgical procedures, tests, MRI's, treatment constitutes deliberate indifference to plaintiff's serious medical needs in violation of the Eighth Amendment to the United States Constitution.

116. The Defendants Hernandez, Choo, Romero and Canlas have promulgated an unconstitutional policy on Arthritis failing to provide requested reasonable accommodatons and medications of the narcotic analgesics area, and/or the least expensive method. This policy violates the Eighth and Fourteenth Amendments to the United States Constitutions.

117. As a proximate result of Defendants Hernandez, Choo, Romero, Canlas, Meunier, Whitehead, Escalante, and Jane/John Does conduct described herein in Paragrapys 1-116, pages 3-5, 8-44, plaintiff has suffered and continued to suffer pain, general damages in the form of severe pain, impaired daily activities, emotional distress, depression, impaired thinking ability, impaired movemnet, depression exacerbated, inability to properly whiipe his ass after excretion, including all the disabilities but not limited to those in paragraph 112. Plaintiff is informed and believes that he will continue to suffer such damages in the future.

118. As a further proximate result of Defendants', Hernandez, Choo, Romero, Canlas, Meunier, Whitehead, Escalante, Jane/John Does, conduct, plaintiff is informed and believes that he will suffer special damages in the future in the forms of medical expenses for testing, treatment, surgical procedures, medications, reasonable accommodations, for his medical conditions and also for the loss of future income and/or job opportunities and income.

119. Failure of Defendants, Hernandez, Choo, Romero, Canlas, Meunier, Whitehead, Escalante, and Jane/John Does to provide for surgical procedues, access to prompt needed medical care, pain medications that are effective, requested reasonable accommodations, urgent care, followup treatment that is prompt, testing, therapy and other treatment requested by plaintiff constitutes deliberate indifference and/or the tort of negligence under of the Law of California Government Codes Sections 810 thru 898, among other codes.

120. The failure of Defendants, Hernandez, Choo, Romero, Canlas, Meunier, and Jane/John Does, to supervise, monitor, train medical and custodial staff in the practice, procedures, and policies of providing needed medical treatmen and medications, tests, followup appointments, and surgical procedures constitutes deliberate indifference, and/or negligence to plaintiff's serious medical needs, and those medical needs as set forth supra, in paragraphs 14 through 119 in violation of the Eighth and Fourteenth Amendments to the united States Constitutions, and those Tort Laws and Governments Codes as set forth above in paragraph 119, but not limited thereto, and also violative of California Penal Code Sections 2600 thru 2601.

PRAYER FOR RELIEF

121. WHEREFORE, Plaintiff Daniel J. Lang, prays for judgement against Defendants Hernandez, Choo, Romero, Canlas, Meunier, Whitehead, Escalante, Jane/John Does as FOLLOWS:

1. For Declaratory Relief setting forth plaintiff's actual rights to

needed medical treatment, surgical procedures, and medications that work to relieve pain in his case. According to proof.

2. For Injunctive relief ordering Defendants to provide prompt surgical procedures as recommended/perscribed by Doctors Smith and Martinez and also immediate surgical procedures for sew the tear and/or replace the joint of the right knee and Miniscus tear and to provide the reasonable accommodations as requested and the medications for pain relief such as Avinza and/or OxyCotin, and other needed medical procedures as requested by **plaintiff**, all through his complaint, and according to proof.

3. For General Damages as set forth in page 7 of this complaint Form, adn according to proof.

4. For Special Damages as set forth in page 7, Request for Relief section, and according to proof.

5. For Punitive Damages as set forth in page 7, Request for Relief, and according toproof.

6. For Future Damages as set forth in page 7, Request for Relief, and according to proof.

7. For reasonable Attorney Fees pursuant to 42 U.S.C. §1988, and 28 U.S.C. §1915 and for costs of the suit, and

8. For any other such relief as the Court and/or Jury may deem just and proper.

DATED: September 1, 2008.

Respectfully submitted,

DANIEL J. LANG, PLAINTIFF, IN PRO PER

VERIFICATION

Short Title: LANG V. HERNANDEZ, et al. FIRST AMENDED COMPLAINT, NO.08-0238-JLS (CAB)

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, DANIEL J. LANG, declare under the penalty of perjury that:

I am the PLAINTIFF in the attached matter; I have read the foregoing document(s) and know the contents thereof; that the same is true of my own personal knowledge, or upon information and belief which I believe to be true; that if called to testify as to the contents thereof, I could do so competently as a sworn witness.

Executed this 1st day of September, 2008, at R.J. Donovan State Prison, San Diego, CA 92179-0001

DANIEL J. LANG [signature]
Declarant

DECLARATION OF SERVICE BY MAIL

(C.C.P. §§ 446, 2015.5; 28 U.S.C. § 1746)

I, ROBERT HENDRICKSON, declare: That I am a resident of R.J. Donovan State Prison, San Diego, CA; I am over the age of 18 years; { ☐ I am / ☒ I am not } a party to the above entitled action; My address is 480 Alta Road, San Diego, CA 92179-0001 I served the attached document(s) entitled; LANG V. HERNANDEZ, et al. FIRST AMENDED COMPLAINT, NO.08-0238-JLS (CAB)

On the persons/parties specified below by placing a true copy of said document(s) into a sealed envelope with the appropriate postage affixed thereto and placing said envelope(s) into the United States Mail in a deposit box provided for at the R.J. Donovan State Prison, San Diego, CA, addressed as follows:

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
FEDERAL OFFICE BUILDING
880 FRONT STREET, SUITE 4290
SAN DIEGO, CA 92101-8900

There is First Class mail delivery service by the United States Mail at the places so addressed and/or regular communication by mail between the place of mailing and the addresses above. I declare under the penalty of perjury that the foregoing is true and correct and that I executed this service on this 2nd day of September, 2008, at R.J. Donovan State Prison, San Diego, CA 92179-0001.

[signature]
ROBERT HENDRICKSON, F19729
Declarant

EXHIBIT COVER PAGE

1

EXHIBIT

DESCRIPTION OF THIS EXHIBIT:

NUMBER OF PAGES TO THIS EXHIBIT: ____________ PAGES.

JURISDICTION: (Check only one)

- ☐ CDCR Administrative Appeal
- ☐ California Victim Compensation And Government Claims Board
- ☐ Municipal Court
- ☐ Superior Court
- ☐ Appellate Court
- ☐ State Supreme
- ☐ United States District Court
- ☐ United States Circuit Court
- ☐ United States Supreme Court

Approved for use with Judicial Council forms Jan 1997

First Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 8-1-05 Due Date: 9-13-05

Interviewed by:

SEE ATTACHED.

Staff Signature: [signature] Title: CC II Spec Date Completed: 9-13-05

CSATF APPEALS

Division Head Approved Signature: [signature] Title: CHSAII(A) Returned Date to Inmate: 9.14.05

SEP 14 2005

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

I am Dissatisfied with the response as No Evidence was given to support ~~the~~ the denial of reasonable Accomidations Requested. This Response was not received by me until November 27th, 2005 At R.J.D. Please return appeal as soon a possible as it needs to be forwarded to S.F. Prison Law office Attorney

Signature: [signature] Date Submitted: 11-28-05

Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other

CSATF APPEALS

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: DEC 15 2005 Due Date: 1-12-06

☒ See Attached Letter

Signature: Date Completed: 01-16-06

CSATF APPEALS

Warden/Superintendent Signature: [signature] Date Returned to Inmate: 1-23-06

JAN 23 2006

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Received Back on 2-24-06 –

I am dissatisfied because no ~~thorough~~ thorough interview was done, except by Doctor who determined I have a permenent Disability that requires a "Lower Bunk" as mobility in shoulders is perminantly impaired an Degenerative in Nature (i.e. Doctor Deiring).

Signature: [signature] Date Submitted: 3-11-06

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

☐ See Attached Letter

Date:

CDC 602 (12/87)

Ex #1

CDC 602 CONTINUATION PAGE: "EMERGENCY APPEAL"

Every day I experience constant severe, debilitating, & disabling pain in my Right & Left Shoulders due to degenerative arthritis that extremely limits my mobility and interferes with my daily activities. On numerous occasions I have requested treatment for same; On 6-16-05, I again submitted a "Health Care Services Request Form" requesting an examination/treatment. That form has not been responded to as of this date (6-22-05, See Attachment #1, Health Care Form) allowing me to go on suffering debilitating pain at work, during daily activities, and during nightly slumber time;

I have been diagnosed by a physician as having degenerative arthritis. Please review attached medical documentation (Attachment #2, Medical Imaging, Physicians Progress Notes, & Physicians Orders, etc.). I have been given several medications for my condition which in my experience have not worked adequately nor effectively. I have informed the doctors of these fact$. To date, everyone I have consulted regarding my diagnosed arthritic condition has been deliberately indifferent to my serious medical needs. I have been both delayed and/or denied meaningful, adequate treatment for same.

The documentation provided verifies that I am disabled. I have not been issued a "128-C Health Services Chrono pertaining to 'WORK RESTRICTIONS.'" I have not been given treatment that is adequate, and I am in constant, severe pain daily. My condition is exacerbated nightly by the steel bed. I cannot sleep due to severe pain when I lay down and/or turn on my side. This problem has also exacerbated my Mental Health problems, depression, etc. due to the deliberate indifference to my conditions, pain and suffering. (See Hoptowit v. Ray (9th Cir. 1982) 682 F.2d 1237, 1246; And Estelle v. Gamble (1976) 429 US 97, 104).

My State and Federal Constitutional Right to Health & Safety are thereby violated. I am denied/delayed adequate, meaningful treatment pursuant to laws and/or regulations (See California CCR Title 15, §3350 et seq.; Penal Code §2600, §5054, §5058; & Calif. Const. Art 1, §1, §7, §17, §24; United States Constitution Preamble, Amendments 8 & 14).

ACTION REQUESTED:

1) That my disabilities be documented on an "1845" Verification of Disabilities Form (Mobility Impaired, & Mental Health) and given a copy ;

2) That I be issued a "128-C Health Services Chrono" (Work Restrictions) "ADA" Classification;

3) That I be issued an Egg-Crate Mattress and Head-Rest to limit/decrease the exacerbation of my condition; And

4) That I be provided effective, adequate, and meaningful treatment.

DATED: June 22, 2005.

Respectfully,

[signature]

Daniel J. Lang, Appellant
E3-246 L

ORT CLAIM
-1A (Rev. 4/91)

GOVERNMENT CLAIMS DIVISION
P. O. BOX 3035
SACRAMENTO, CA 95812-3035
(916) 323-3564

THIS SPACE IS FOR STATE BOARD OF CONTROL USE ONLY

RE COMPLETING THIS FORM, PLEASE READ THE INSTRUCTIONS ON THE BACK OF THE LAST (E) COPY OF THIS FORM. YOU MAY KEEP THIS LAST COPY FOR YOUR RECORDS. SUBMIT IE TOP THREE COPIES TO THE STATE BOARD OF CONTROL. YOU MUST COMPLETE EACH SECTION F THIS FORM OR YOUR CLAIM MAY BE RETURNED TO YOU AS INCOMPLETE.

. NAME AND MAILING ADDRESS OF CLAIMANT(S):
me(s)

P.O. Box 5248 (A1-130)

Corcoran, CA 93212

iling Address P.O. Box 7100

City Corcoran | State Calif. | Zip 93212

2. SPECIFY TOTAL DOLLAR AMOUNT OF CLAIM AS A DIRECT RESULT OF THE INCIDENT: $

IF THE AMOUNT IS UNSPECIFIED AT THIS TIME, BUT EXCEEDS $10,000, CHECK THE APPROPRIATE COURT JURISDICTION:

[ ] MUNICIPAL COURT [X] SUPERIOR COURT

WHEN DID THE DAMAGE OR INJURY OCCUR?

Month	Date	Year	~~Time~~
6/22-05	Injury Ongoing	2003-2004.	. . 2006 . . . .

IF YOU ARE FILING THIS CLAIM BEYOND SIX MONTHS FROM THE INCIDENT DATE, PLEASE SEE INSTRUCTIONS FOR FILING LATE CLAIM APPLICATION ON THE REVERSE OF THE LAST COPY.

4. WHERE DID THE DAMAGE OR INJURY OCCUR? (PLEASE INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER.) California Substance Abuse Treatment Facility (CSATF/SP) P.O. Box 7100, Corcoran, California 93212, Facility "E" Building ~~Three~~, And.... medical Department of the california Department of corrections and Rehabilitation/... SATF medical clinic.... and others

. PLEASE EXPLAIN THE CIRCUMSTANCES THAT LED TO THE ALLEGED DAMAGE OR INJURY. STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE STATE OF CALIFORNIA, AND WHY YOU BELIEVE THE STATE IS RESPONSIBLE FOR THE ALLEGED DAMAGE OR INJURY. IF KNOWN, IDENTIFY THE NAME OF THE STATE AGENCY(IES) AND/OR STATE EMPLOYEE(S) THAT ALLEGEDLY CAUSED THE DAMAGE OR INJURY.

Appellant is deprived of his basic need for safety, Health, Treatment, Preventative, ect.... and security in violation of his rights to life, liberty, and Due Process of Law subjecting appellant to Cruel & Unusual Punishment as is guaranteed by both California State and United State's Constitutions; The circumstances that led to damages or injury are set forth in all pleadings and attachments hereto and incorporated herein in their entirety --- See the attached CDC 602 Appeal #SATF-E-05-02843, Attached hereto as Exhibit #1; Also incorporated herein in their entirety are all other Exhibits as numbered One (1) thru ________( )....staff have acted, or fail to act with wanton deliberate indifference and/or negligence to Appellants/plaintifs medical needs; defendants/Appellees have delayed/denied provided grossly inadequate medical treatment/and refused to provide preventative treatment/disregarding his pain/suffering

6. WHAT SPECIFIC DAMAGE OR INJURY DO YOU CLAIM RESULTED FROM THE ALLEGED ACTIONS? Physical and Psychological degeneration, stress, emotional and mental pain and suffering; Assault and Battery on several occasions as specified herein, and any and all injury as herein stated in all pleadings & Exhib

7. HOW WAS THE AMOUNT CLAIMED ABOVE COMPUTED? (IF YOU HAVE SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED, PLEASE ATTACH THREE COPIES TO THIS CLAIM.) As is specified herein plead and proven all alleged violations of appellant's Constitutional rights and other injuries suffered and claimed.......

8. SEND OFFICIAL NOTICES AND OTHER CORRESPONDENCE TO:
Name DANIEL J. LANG, C82516
Mailing Address P.O. BOX 799001
[redacted]
City San Diego [redacted] | State CA | Zip 92179 [redacted]

9. SIGNATURE AND TELEPHONE NUMBER(S) OF CLAIMANT OR ATTORNEY/REPRESENTATIVE (PLEASE SEE NOTICE BELOW):
Signature x Daniel J. Lang | Date
Daytime Telephone Numbers (Please include Area Code)
Claimant unknown [redacted] | Attorney/Representative ( ) -

10. IF THE BOARD INVITES YOU TO APPEAR ON YOUR CLAIM AT A FUTURE BOARD HEARING, PLEASE DESIGNATE THE HEARING LOCATION YOU WOULD PREFER (CHECK ONE):

[ ] SACRAMENTO [XX] LOS ANGELES [ ] SAN FRANCISCO [ ] SAN DIEGO (October o

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

"EVERY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER, OR ANY COUNTY, TOWN, CITY, DISTRICT, WARD, OR VILLAGE BOARD OR OFFICER, AUTHORIZED TO ALLOW OR PAY THE SAME IF GENUINE, ANY FALSE OR FRAUDULENT CLAIM, BILL, ACCOUNT, VOUCHER, OR WRITING, IS GUILTY OF A FELONY."

1 (White) Board of Control 2 (Green) Board of Control 3 (Pink) Board of Control 4 (Blue) Claimant

[redacted]

From: [redacted]
To: [redacted]
Sent: Friday, December 02, 2005 11:17 AM
Subject: <POD> Judge assails state on prisons

YAHOO! Groups My Groups | prisonersofdavis Main Page

Judge assails state on prisons
He orders governor to move more quickly on health care crisis.
By Claire Cooper -- Bee Legal Affairs Writer
Published 2:15 am PST Friday, December 2, 2005
Story appeared on Page A1 of The Sac Bee

SAN FRANCISCO - Saying California authorities "still fail to grasp the gravity" of a crisis in prison health care, a federal judge on Thursday gave Gov. Arnold Schwarzenegger five days to put in charge someone with "authority and ability."
He ordered inspections to see that emergency fixes are made by early next year.

Senior U.S. District Judge Thelton Henderson also ordered pay hikes for prison doctors and nurses, starting immediately, as well as accelerated hiring procedures and other stopgap measures to reverse an exodus of medical personnel.
A Schwarzenegger spokeswoman said late Thursday that Peter Farber-Szekrenyi, appointed this week as chief of prison health care services, "will be held accountable and responsible by the governor for bringing needed reforms" and will work directly with the Governor's Office on the reform plans. She said he also will be the state official reporting to the judge.
Farber-Szekrenyi has a doctorate in health care institution administration and more than 30 years of experience in the field, according to an announcement from the Governor's Office.
Henderson earlier this year found medical care in California prisons to be in violation of constitutional standards for humane care, saying unnecessary inmate deaths averaged one a week. He ordered the system into receivership then and has been conducting a search for someone capable of running the billion-dollar-a-year prison clinic operation.
His latest ruling came two weeks after a temporary overseer reported further deterioration, approaching "meltdown," with about 600 clinical jobs vacant.
Henderson's order came just two days after an appearance in his San Francisco courtroom by state lawyers, who failed to dissuade him from following the overseer's recommendations.
"Instead of voicing an aggressive commitment to the recommended reforms, (the lawyers) were content to invoke bureaucratic red tape and 'business as usual' procedures as roadblocks," Henderson wrote Thursday.
He was particularly troubled by what he called "a remarkable symptom of this dysfunction" that came to light at the hearing - the lawyers' disclosure that neither Corrections and Rehabilitation Secretary Roderick Hickman nor Undersecretary Jeanne Woodford had been personally involved in directing the positions argued by the lawyers.
They "were not even aware of the objections" made in their behalf, the judge said.
Schwarzenegger, the lead defendant in the constitutional case, has assured Henderson since taking office that he will fix the prison health care system. Spokeswoman Julie Soderlund reiterated the promise Thursday.
But Donald Specter, director of the nonprofit Prison Law Office, which represents inmates in the constitutional case, said Thursday that time has run out.
"The governor is risking contempt if there isn't compliance now with the court's order," said Specter, noting that Henderson "has told the governor exactly what he has to do in the next month to get doctors and murses into the prisons and stanch the bleeding of clinical personnel."

State of California Department of Corrections and Rehabilitation

California Substance Abuse Treatment Facility and State Prison at Corcoran

Memorandum

Date: January 16, 2006

To: LANG, C-82516
California Substance Abuse Treatment Facility and
State Prison at Corcoran

Subject: SECOND LEVEL APPEAL RESPONSE

LOG NO.: SATF-E-05-02843

ISSUE:

It is the appellant's position that he experiences constant severe, debilitating and disabling pain in his right and left shoulders due to degenerative arthritis that extremely limits his mobility and interferes with his daily activities.

At the Informal Level of Review the appellant requests a CDC Form 1845 be completed, CDC form 128-C (medical chronos) providing work restrictions, egg-crate mattress, headrest, and medical treatment.

At the First Level of Review the appellant adds, "I am dissatisfied because my appeal is granted, but no remedy has been made available to appellant. Action requested remains the same. The attached documentation are physicians evaluations."

At the Second Level of Review the appellant adds, "I am dissatisfied with the response as no evidence was given to support the denial of reasonable accommodations requested. This response was not received by me until November 27th 2005 at Richard J. Donovan Correctional Facility at Rock Mountain (RJD). Please return appeal as soon as possible as it needs to be forwarded to S.F. Prison Law Office Attorney's."

INTERVIEWED BY: Unable to Interview (see below)

REGULATIONS: The rules governing this issue are:

Armstrong v. Davis Court Ordered Remedial Plan (ARP) II.A. Qualified Inmate/Parolee

A "qualified inmate/parolee" is one with a permanent physical or mental impairment which substantially limits the inmate/parolee's ability to perform a major life activity. Major life activities are functions such as caring for one's self, performing essential manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

ARP II.B. Permanent Disability

A "permanent disability or impairment" is one, which is not expected to improve within six months. Temporary impairments such as a broken leg or hernia operation do not constitute a permanent disability or impairment.

California Code of Regulations, Title 15, Section (CCR) 3350. Provision of Medical Care and Definitions.

(a) The department shall only provide medical services for inmates, which are based on medical necessity and supported by outcome data as effective medical care. In the absence of available outcome data for a specific case, treatment will be based on the judgment of the physician that the treatment is considered effective for the purpose intended and is supported by diagnostic information and consultations with appropriate specialists. Treatments for conditions, which might otherwise be excluded, may be allowed pursuant to section 3350.1(d).

(b) For the purposes of this article, the following definitions apply:

(1) Medically Necessary means health care services that are determined by the attending physician to be reasonable and necessary to protect life, prevent significant illness or disability, or alleviate severe pain, and are supported by health outcome data as being effective medical care.

CCR 3354. Health Care Responsibilities and Limitations.

(a) Authorized Staff. Only facility-employed health care staff, contractors paid to perform health services for the facility, or persons employed as health care consultants shall be permitted, within the scope of their licensure, to diagnose illness or, prescribe medication and health care treatment for inmates. **No other personnel or inmates may do so.**

Appellant transferred to RJD on September 6, 2005. On September 7, 2005 and September 12, 2005, E. McCant, Correctional Counselor II, attempted to interview appellant telephonically by contacting the Appeals Coordinator at the RJD Facility to assist in arranging an interview with appellant. Both attempts to interview appellant were unsuccessful. On September 13, 2005 this appeal was forwarded for processing.

Appellant's Unit Health Record and First Level of Review (FLR) response has been reviewed. As stated in the FLR, Dr. E. Flores examined appellant on August 4, 2005. There was no medical indication for appellant to receive an eggcrate mattress, headrest, work restrictions, and/or CDC 1845 form for disability placement. Appellant does not meet the criteria for a "qualified inmate" as stated above. Appellant was prescribed Ibuprofen as current prescription of Indomethacin was making appellant sick as indicated by appellant (see attached medication profile).

The appellant indicated that the appeal was to be considered as an emergency. Following review of the issues, it was found not to have met the emergency criteria as described in CCR 3084.7(a). The appeal was processed as a routine matter.

DECISION: The appeal is **PARTIALLY GRANTED**. Appellant's request for medical treatment has been granted.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.

P. MCGUINNESS, MD
Chief Medical Officer
California Substance Abuse Treatment Facility and State Prison at Corcoran

1/23/06
DATE

Attachments

CSATF APPEALS
JAN 25 2006

DEPARTMENT OF CORRECTIONS AND REHABILITATION
CSATF- SP CORCORAN

FIRST LEVEL OF REVIEW
SUPPLEMENTAL PAGE

APPEAL LOG #: SATF-E-05-02843
IMATE: LANG
CDC#: C82516
APPEAL DECISION: PARTIALLY GRANTED

DESCRIPTION OF PROBLEM:

It is the appellant's position on appeal that he experiences constant severe, debilitating and disabling pain in his right and left shoulders due to degenerative arthritis that extremely limits his mobility and interferes with his daily activities.

ACTION REQUESTED:

Appellant is requesting a California Department of Corrections (CDC) Form 1845 be completed, CDC Form 128-C (medical chrono) providing work restrictions, egg-crate mattress, headrest, and medical treatment.

APPEAL RESPONSE:

Appellant transferred to Richard J. Donovan Correctional Facility on September 6, 2005. On September 7, and 12, 2005, E. McCant attempted to interview appellant telephonically by contacting the Appeals Coordinator at the Richard J. Donovan Correctional Facility to assist me in arranging an interview with appellant. Both attempts to interview appellant were unsuccessful. Both times the Appeals Coordinator told me he would call me when he found the inmate's housing assignment. As of September 13, 2005, the Appeals Coordinator has not contacted E. McCant for a telephonic interview with the appellant.

Appellant's Unit Health Record (UHR) has been thoroughly reviewed. Appellant's UHR shows Dr. Flores examined appellant on August 4, 2005, and appellant complained of sharp pain in shoulder. Appellant informed Dr. Flores that pain medication Indomethacin makes him sick. Dr. Flores discontinued Indomethacin and prescribed Ibupropen. Dr. Flores did not find it medically necessary, base on criteria, to issue appellant an egg-crate mattress and headrest. Dr. Flores did not find it necessary to complete a CDC Form 1845 (American with Disabilities Act) designating the appellant as mobility impaired (DPM) and a work restriction chrono because appellant did not meet the criteria for them.

Appellant's UHR shows he was receiving ongoing treatment at the California Substance Abuse Treatment Facility and State Prison at Corcoran.

You have been provided with a thorough response. Therefore, based on the above, your appeal is being **PARTIALLY GRANTED** at the First Level of Review.

If dissatisfied, the appellant is advised that he may submit his appeal at the Second Level for Review.

E. McCant
E. McCANT
Correctional Counselor II Specialist

9-13-05
Date

G. Martinez
for G. MARTINEZ
Correctional Health Services Administrator II
California Substance Abuse Treatment Facility and State Prison, Corcoran

9-14-05
Date

CSATF APPEALS
SEP 14 2005

EXHIBIT 1[illegible]

07565

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☒ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☐

NAME	CDC NUMBER	HOUSING
LANG D.	C78516	E3-246L

PATIENT SIGNATURE	DATE
[illegible]	6-16-05

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem) [illegible]

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

[redacted]

EXHIBIT 2

James Carter Thomas, M.D. APC
Medical Imaging

THANK YOU DOCTOR: DEERING (CSATF STATE PRISON)
FOR REFERRING: LANG A1-153
CDC NUMBER: C82516 *DATE: 17 June, 2003*

RIGHT SHOULDER

AP views of the right shoulder with the humerus in internal and external rotation reveal hypertrophic changes at the glenoid and at the humeral head. There is moderate to severe narrowing of the glenoid joint space. Cystic changes are seen at the articular surface of the scapula. No acute bony injury is seen.

IMPRESSION

Moderate to severe degenerative arthritis at the right shoulder.

James Carter Thomas, M.D.

DR/DT 18 June, 2003
JCT/ph

CORRELATION WITH THE CLINICAL FINDINGS IS ESSENTIAL. THE REPORT OF THIS CONSULTATION IS BASED SOLELY ON THE RADIOLOGICAL EXAMINATION.

State of California, Department of Corrections -- Institution: CSATF/SP Prior Page Number : ______

CHRONOLOGICAL INTERDISCIPLINARY PROGRESS NOTES: All Staff, Clinicians, Treatment Teams.

Date/Time:	Problem & #. [✓]. Signature, Title & Print (or stamp). Store & File Reverse Chronological Order.
1/15/04	Met for self-referral. I/M report having difficulty concentrating, sleeping, paranoid ideations. Preoccupation with fellow inmates getting into squabbles, inability concentrating. He reports that he is not seeking medication but the possibility of using a veil to prevent people from staring at him. He reports violent behavior of fellow inmates [illegible] yelling and difficulty focussing on one task. I/M was encouraged to exercise, read books on relaxation techniques and writing to assist in his sleep difficulties. He denied any SI or HI.
	C. [illegible], PsyD.
	Case Manager
1/29/04	Olson Review authorized this date for m.h. records in UHR. [illegible], Ph.D.
	B. Ayers, Ph.D. Chief Psychologist

Failure of staff to document significant Report violent incident of inmates as Reported

Page # ______

MENTAL HEALTH INTERDISCIPLINARY PROGRESS NOTES	LEVEL OF CARE	Last Name: First Name: MI:
CDC Form MH 3 [11/9/95]	Inpatient	Lang
Confidential Client/Patient Information See W & I Code, Section 5328	(Outpatient)	CDC # C82516 DOB __/__/__

NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION TO PHARMACY AFTER EACH ORDER IS SIGNED.

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
3-8-04		1	Benadryl 50 mg po q pm PRN x 60 Days. (Perscribed for inability to sleep in Dorm)
		2.	Naproxen 500 mg po Bid PRN x 90 Days.
		3	CTM 4 mg po Bid PRN x 90 Days
		4	RTC 1 mo
		5	MAALOX 30 cc po qd PRN x 90 Days
			noted by [signature] 3/8/04

ALLERGIES: NKDA

INSTITUTION: CSATF

ROOM/WING: A-130

CDC NUMBER, NAME (LAST, FIRST, MI): Lang C82516

Confidential client information See W & I Code, Sections 4514 and 5328

PHYSICIAN'S ORDERS

CDC 7221 (2/00)
STATE OF CALIFORNIA
OSP 00 35617
DEPARTMENT OF CORRECTIONS

DATE	TIME	
		S 43 y/o ♂ ē c/o Ⓡ Shoulder Arthralgia
		X 4 yrs. H/o mult. trauma
		O. PE
		Ⓡ Shoulder AT Different Level Than Ⓛ
		Ⓡ Side is Higher.
		⊕ Crepitus ē Flex + Abduction
		Limited Abduction to only 90°.
		⊕ tenderness @ Deltoid / proximal
		Humeral Head.
		Xray – Severe Degenerative Arthritis.
		A. 43 y/o ♂ ē Ⓡ Shoulder Arthralgia
		2° TO Degenerative Arthritis
		+ possibly Damage to Rotator Cuff
		P. Continue ē Nsaids.
		R/O Damage to Rotator Cuff
		ē MRI ? Ⓡ Shoulder
		2A Insomnia 2° TO Anxiety / or pain
		Benadryl 50 mg PO q pm if no
		improvement → Consider ψ consult.

INSTITUTION [signature] PHYSICIAN [signature] ROOM NO. 130 CDC NUMBER, NAME (LAST, FIRST, MI) Lang C8251[illegible]

[signature]

PHYSICIAN'S PROGRESS NOTES

CDC 7230 (7/90)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION TO PHARMACY AFTER EACH ORDER IS SIGNED.

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
5/15/03		1)	X-ray - Rt shoulder
		2)	Ben Gay liniment - apply rt shoulder Bid x 60d
		3)	Tylenol 650 mg po tid prn shoulder pain x 90d
			[signature]
			Noted by M Sandeo MTA @ 1110

ALLERGIES:

INSTITUTION

ROOM/WING A1 155

CDC NUMBER, NAME (LAST, FIRST, MI)

Lang C82516

Confidential client information See W & I Code, Sections 4514 and 5328

PHYSICIAN'S ORDERS

CDC 7221 (2/00)
STATE OF CALIFORNIA

OSP 00 35617

DEPARTMENT OF CORRECTIONS

NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION TO PHARMACY AFTER EACH ORDER IS SIGNED.

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
6-24-03		✓	Naprosyn 500 mg Bid } 60 day
		✓	Maalox 1# Bid
		✓	Lab: liver test
			H. pylori
			[illegible signature]
			SHU-[illegible], MD
			JUN 24 2003
			[illegible] 6/24/03
			[illegible]

ALLERGIES: NKDA

INSTITUTION: [illegible]

ROOM/WING: A1 158

CDC NUMBER, NAME (LAST, FIRST, MI)
Lang
C82516

Confidential
client information
See W & I Code, Sections 4514 and 5328

PHYSICIAN'S ORDERS

CDC 7221 (2/00)
STATE OF CALIFORNIA
OSP 00 35617
DEPARTMENT OF CORRECTIONS

State of California, Department of Corrections -- Institution: CSATF/SP Prior Page Number : ______

CHRONOLOGICAL INTERDISCIPLINARY PROGRESS NOTES: All Staff, Clinicians, Treatment Teams.

Date/Time:	Problem & #. [✓]. Signature, Title & Print (or stamp). Store & File Reverse Chronological Order.
7/22/03	Met at Mr. Lang's request. He is still experiencing substantial difficulty getting sufficient sleep. The problem has been constant since arriving on this yard (see notes of 5/23/03 + 6/13/03). I am referring him to the A-Yard M.D. for evaluation of sleep meds. [signature], Ph.D.

Page # ______

MENTAL HEALTH INTERDISCIPLINARY PROGRESS NOTES CDC Form MH 3 [11/9/95] Confidential Client/Patient Information See W & I Code, Section 5328	LEVEL OF CARE Inpatient **(Outpatient)**	Last Name: Lang First Name: Daniel MI: CDC # C-82516 DOB 4/23/61

DATE	TIME	
		P: stress & tension
		→ advised continue psychological follow
		no sleeping pill recommended
		if stress get worse → advised psychiatrist evaluation
		refill Naprosyn refill . [illegible]
		Mylanta → from canteen
		Wu
		Shu-Pin Wu, M.D.
		Physician & Surgeon, SATF
8-14-03		Wt: 180, BP 12?/83. T 97.4 pulse 67 age: 42
		refill medication
		Rt shoulder – arthritis 6-17-03 → Naprosyn
		indigestion
		hepatitis C "[illegible]" medication.
		ear normal
		eye normal chest BS clear
		Rt shoulder – ROM good, some limitation only
		A: hepatitis C. (stable) Rt shoulder arthritis
		P liver panel, 7/03 → Normal
		shoulder exercise daily.
		Wu

Shu-Pin Wu, M.D.
Physician & Surgeon, SATF

INSTITUTION SATF PHYSICIAN ROOM NO. A 130-4

CDC NUMBER, NAME (LAST, FIRST, MI)
LANG
C82516

PHYSICIAN'S PROGRESS NOTES

CDC 7230 (7/90)
STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION TO PHARMACY AFTER EACH ORDER IS SIGNED.

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
7-28-03			Naprosyn 500mg Bid 60 day
			maalox Bid 7
			Wu
			Shu-Pin Wu, M.D. Physician & Surgeon, SATF
7-29-03	1225		Noted [illegible] FAXed to pharmacy to fill order
			Did not recieve 8/19/03
			Dr Wu Checked [illegible] orders to resubmit

ALLERGIES: NKDA

INSTITUTION: CSATF

ROOM/WING: A 130

CDC NUMBER, NAME (LAST, FIRST, MI): Lang C82516

Confidential client information See W & I Code, Sections 4514 and 5328

PHYSICIAN'S ORDERS

CDC 7221 (2/00)
STATE OF CALIFORNIA OSP 00 35617 DEPARTMENT OF CORRECTIONS

DATE	TIME	
6-24-03		no hepatosplenomegaly
		A: Indigestion
		s/p hepatitis
		Rt shoulder tendonitis
		P: Liver panel. H. pylori
		medication c Naprosyn
		Maalox
		JUN 2
7-29-03		Bp: 124/75 age: 42
		Wt: 185 T 98.5 pulse 67
		stomach medication:
		shoulder He sleep in the Dormitory,
		sinus Insomnia since 3/4/03
		No Known allergy He saw psychiatrist three visit
		s acid reflux Stress + depression anxiety.
		no diarrhea
		constipation H. pylori → normal
		Rt shoulder pain...
		O: calm. Rt shoulder sprain X-ray of shoulder - report pending
		A: Indigestion, Rt shoulder sprain

INSTITUTION | PHYSICIAN | ROOM NO. | CDC NUMBER, NAME (LAST, FIRST, MI)

LANG
C82516

PHYSICIAN'S PROGRESS NOTES

C 7230 (7/90)
STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

DATE	TIME	
5/15/03		S- 2yr. ago injured Rt upper arm, lifting - area of head of biceps
		HCU -
		A - deg. osteo arthritis - gleno-humeral joint
		D Day
5/21/03		S - dry elbow skin
		pain Rt shoulder
		A - psoriasis
		Osteo Arthritis gleno. humeral joint
		[signature]
24 ~~23~~/03		Wt: 180, Ht: 5'7½ age: 42
		medication: Tylenol for pain
		skin lotion for shaving
		Nasal spray
		NKA
		S: hepatitis C, N: treatment, Rt shoulder treat
		RUQ on and off: discomfort, once every year
		O: NO coughing, BS clear, heart regular - 2 years
		no Jaundice, heart refills no pvc
		abd: soft + flat

INSTITUTION

PHYSICIAN

ROOM NO. A1155

CDC NUMBER, NAME (LAST, FIRST, MI)

Lang
C82516

PHYSICIAN'S PROGRESS NOTES

CDC 7230 (7/90)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

DATE	TIME	
2.5.02	0945	S- "I need all my meds renewed, & I have (L) shoulder pain x 3 wks."
		O - WT. 184, BP 159/84, P 73, R 16, T 95.6
		A/P refer to MD for eval. [illegible]
		S [illegible] while moving the furniture I hurt his shoulder
		Has difficulty in lifting the arm.
		O Lt shoulder Tenderness.
		Anteriorly Has difficulty in moving the shoulder in all direction.
		A. Sprain. ? Ligament Tear
		P as ordered
		M - [illegible]
4/17/02		NO SHOW @ NORTH MEDICAL CLINIC for TB Eval. 1115 [illegible]
4/17/02	1201	2002 annual TST [illegible]
12/27/02		S charged, itchy nasal mucosa, [illegible]
		O [illegible] (1) Allergic rhinitis (2) constipation
		[illegible] orders [illegible]
		N. Lim [illegible] Physician & Surgeon CTF - Soledad
4-7-03		refill medication of Ibuprofen, Simethicone
	12:10 PM	Nasonex nasal spray
		follow up as needed [illegible]

INSTITUTION	PHYSICIAN	ROOM NO.	CDC NUMBER, NAME (LAST, FIRST, MI)
CTF - N		WA201	C 82516 [illegible]

PHYSICIAN'S PROGRESS NOTES

CDC 7230 (7/90)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

LIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
ING, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: ZZ
RX: 458908- 0 QTY: 60
NAPROXEN 500MG
1 TAB 2 TIMES DAILY
WITH FOOD
START: 08/19/03 STOP: 10/18/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: ZZ
RX: 444509- 1 QTY: 52
NAPROXEN 500MG
1 TAB TWICE DAILY
START: 07/29/03 STOP: 08/24/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: [illegible] MFG: U
RX: 433791- 2 QTY: 60
ACETAMINOPHEN [illegible] TABS
2 TABS 3 TIMES DAILY AS
NEEDED/PAIN
START: 07/29/03 STOP: 08/13/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 9321
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: CP
RX: 444510- 1 QTY: 1
MAALOX TABS 85'S
1 TAB TWICE DAILY
START: 07/29/03 STOP: 08/24/03

CSP - CORCORAN PHARMACY
DEPARTMENT OF CORRECTIONS
P.O. BOX 8800 CORCORAN, CA 93212 CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than patient for whom prescribed.
PHONE (209) 992-8800 EXT. 7957
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BRM MFG: CP
RX: 444510- 0 QTY: 1
MAALOX TABS 85'S
1 TAB TWICE DAILY
START: 06/25/03 STOP: 08/24/03

LIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
IG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BD MFG: CP
RX: 458909- 0 QTY: 1
MAALOX TABS 85'S
CHEW 1 TABLET 2 TIMES A
DAY
START: 08/19/03 STOP: 10/18/03

DEPARTMENT OF CORRECTIONS
P.O. BOX 8800 CORCORAN, CA 93212 CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than patient for whom prescribed.
PHONE (559) 992-8800 EXT. 7957
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: NH MFG: FO
RX: 433789- 1 QTY: 1
ANALGESIC BALM
APPLY TO RIGHT SHOULDER
TWICE DAILY
START: 07/08/03 STOP: 07/14/03

CSP - CORCORAN PHARMACY
DEPARTMENT OF CORRECTIONS
P.O. BOX [illegible] CORCORAN, CA 93212 CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than patient for whom prescribed.
PHONE (559) 992-8800 EXT. 7957
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: NH MFG: TH
RX: 435069- 1 QTY: 1
HYDROCORTISONE CR 1%
APPLY TO SKIN ON ELBOW
DAILY AS NEEDED/FLARE-UP
START: 07/08/03 STOP: 08/19/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: PS MFG: WA
RX: 423677- 1 QTY: 120
FIBER TABS
2 TABS TWICE DAILY WITH
8 OZ. OF WATER R=12
START: 06/23/03 STOP: 07/07/03

(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS [illegible] PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: PS MFG: BL
RX: 435070- 1 QTY: 1
ERYTHROMYCIN SOL 2% 60ML
USE AFTER SHAVING
START: 06/23/03 STOP: 08/19/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: PS MFG: SC
RX: 423679- 1 QTY: 1
NASONEX
2 SPRAYS IN EACH NOSTRIL
ONCE DAILY
START: 06/23/03 STOP: 07/07/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: PS MFG: UD
RX: 433791- 1 QTY: 60
ACETAMINOPHEN 325MG TABS
2 TABS 3 TIMES DAILY AS
NEEDED/PAIN
START: 06/23/03 STOP: 08/13/03

CALIFORNIA SU[illegible]BUSE TREATMENT
FAC[illegible]RISON
900 QUEBEC AVE. CORCORAN, CA 93212
[illegible]
[illegible]

[illegible]
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
[illegible]

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: GAM MFG: UD
RX: 433791- 0 QTY: 60
ACETAMINOPHEN 325MG TABS
2 TABS 3 TIMES DAILY AS
NEEDED/PAIN
START: 06/13/03 STOP: 08/13/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT
FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: DEERING RPH: GAM MFG: FO
RX: [illegible] QTY: 1
ANALGESIC BALM
APPLY TO RIGHT SHOULDER
TWICE DAILY
START: [illegible] STOP: [illegible]

C HCSD-ASU MED/MAR FORM Style #3 (01/93)

EDICATION ADMINISTRATION RECORD

For the Month of: ______ Year: ______

NAME OF RN/MTA	Initial	NAME OF RN/MTA	Initial	NAME OF RN/MTA	Initial	NAME OF RN/MTA	Initial

8908- 0 DR: WU, SHU-PIN
.PRO 500MG 60
. TA IMES DAILY
TH FOOD
art: 08/19/2003 Stop: 10/18/2003

8909- 0 DR: WU, SHU-PIN
ALOX TABS 85'S 1
EW 1 TABLET 2 TIMES A
Y
art: 08/19/2003 Stop: 10/18/2003

08 12 18 20

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: ZZ
RX: 473261- 0 QTY: 60
NAPROXEN 500MG
TAKE 1 TABLET 2 TIMES A DAY WITH FOOD
START: 10/10/03 STOP: 12/09/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: CY MFG: ZZ
RX: 484223- 0 QTY: 60
NAPROXEN 500MG
1 TABLET TWICE DAILY
WITH FOOD
START: 12/07/03 STOP: 01/21/04

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 932
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM P
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: Z4
RX: 473263- 0 QTY: 60
CHLORPHENIRAMINE 4MG
1 TAB 2 TIMES DAILY
START: 10/10/03 STOP: 12/09/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: CY MFG: FO
RX: 484234- 0 QTY: 1
TRIPLE AB OINTMENT
APPLY TO AFFECTED AREA
TWICE DAILY
START: 11/20/03 STOP: 12/20/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: CH MFG: ZZ
RX: 458908- 1 QTY: 60
NAPROXEN 500MG
1 TAB 2 TIMES DAILY
WITH FOOD
START: 09/10/03 STOP: 10/18/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 932
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: CP
RX: 473262- 1 QTY: 1
MAALOX TABS 85'S
CHEW 1 TABLET 2 TIMES A DAY
START: 11/05 STOP: 12/08/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: CY MFG: Z4
RX: 484230- 0 QTY: 60
CHLORPHENIRAMINE 4MG
1 TABLET TWICE DAILY
START: 12/07/03 STOP: 01/21/04

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: CH MFG: CP
RX: 458909- 1 QTY: 1
MAALOX TABS 85'S
CHEW 1 TABLET 2 TIMES A DAY
START: 09/10/03 STOP: 10/18/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 932
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM P
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: Z4
RX: 473263- 1 QTY: 60
CHLORPHENIRAMINE 4MG
1 TAB 2 TIMES DAILY
START: 11/05/03 STOP: 12/09/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRI
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: CY MFG: CP
RX: 484227- 0 QTY: 1
MAALOX TABS 85'S
CHEW AND SWALLOW 1 TAB
TWICE DAILY
START: 12/07/03 STOP: 01/21/04

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN RPH: BL MFG: CP
RX: 473262- 0 QTY: 1
MAALOX TABS 85'S
CHEW 1 TABLET 2 TIMES A DAY
START: 10/10/03 STOP: 12/08/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 932
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM
LANG, DANIEL C-82516 AB11-130L
DR: WU, SHU-PIN MFG: ZZ
RX: 473261- 1 QTY: 60
NAPROXEN
TAKE ... 2 TIMES A
DAY ...
START: 11/0 STOP: 12/09/03

CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND PRISON
900 QUEBEC AVE. CORCORAN, CA 93212
(209) 992-7100
CAUTION: FEDERAL LAW PROHIBITS TRANSFER OF THIS DRUG TO ANY PERSONS OTHER THAN THE PATIENT FOR WHOM PRESCRIBED.
LEWIS, JOHN D-50744 AB31-142U
DR: WU, SHU-PIN RPH: BL MFG: SC
RX: 484324- 0 QTY: 1
CLOTRIMAZOLE CR 1%
APPLY TO AFFECTED AREA
TWICE DAILY
START: 11/20/03 STOP: 01/19/04

1 2 3 4 5
08 12 18 20

NAME: LANG, DANIEL CDC#: C-82516 HOUSE: AB11-130L

CCMS [illegible] Clinic

State of California, Department of Corrections – Institution: CSATF/SPC Prior Page Number: ___ ___ ___

CHRONOLOGICAL INTERDISCIPLINARY PROGRESS NOTES: All Staff, Clinicians, Treatment Teams.

Date: 1-21-05

I. S - Focus: ~~Problems~~: Depression & 602 were both addressed.

II. O - Current Status:

A. Medications: [ ] None [✓] Yes: Zoloft [illegible]

I/M Impression of Medication Effectiveness: ___

B. Assessment of Risk for Self-Injury or Assaultive Behavior:
[✓] None Observed / Noted [ ] Yes. As evidenced by:

[illegible] ~~[illegible] process~~

III. A - PRESENT MENTAL STATUS: In the morning I/M has no depressed mood & energy WNL, but at 1:00 or 2:00 pm he says he has difficulty focusing, depressed mood, ↓ energy.

Appearance:	(WNL)	Disheveled	Inappropriate	Messy	
Behavior:	(WNL)	Agitated	Restless	Lethargic	
Speech:	(WNL)	Slow	Rapid	Impaired	Loud/Pressured
Sensorium:	WNL	Memory	(Concentration)	Judgement	Disoriented
Mood:	WNL	Angry	(Depressed)	Anxious	Fearful
Affect:	WNL	Flat	(Blunted)	Labile	Restricted
Sleep:	WNL	Awake	(<6hrs/night)	>10hrs/night	
Thought Content:	(WNL)	A/H	V/H	Delusions	Other:
Thought Process:	(WNL)	Incoherent	Concrete	Fragmented	Loose Associations
Eye Contact:	(WNL)	Poor	Fair		

Contributing factors to his depression at this time may be the following:

Comments: 1) Chronic pain from arthritis in shoulders,
2) Childhood losses, adoption, foster care & abuse issues
3) bio chemistry
4) current incarceratory ~~[illegible]~~ sentence, separation from loved ones
5) Biology – perhaps there some physical reason that also contributes to his depression in addition to his arthritis.

IV. P - TREATMENT PLAN:

[ ] Continue with current Treatment Plan dated ___
[✓] Refer to Psychiatrist for medication review / evaluation to see Dr. Burdick re depression which seems to worsen in afternoon
[ ] Refer to MD for review of specific medical problem: ___
[✓] Specific Recommendations: I/M was given numerous ~~handouts~~ (anger mgt, stress mgt, CBT techniques to deal with depression & guilt) about 100 pages. His homework is to [illegible] markings & try to apply various things he reading & continue to discuss his efforts, insights & progress in 1:1 CMs.

B. [illegible signature] Psy.D.
Case manager

MENTAL HEALTH INTERDISCIPLINARY PROGRESS NOTES MH 3 (3/21/96) Confidential Client/Patient Information See W & I Code, Section 5328	LEVEL OF CARE Inpatient (Outpatient)	Last Name: Lang First Name: MI: CDC# C-82516 DOB __/__/__

3 UM T - Self referral ... NOTES ... Treatment Teams

Date: 5-26-08

I. S - Focus: Self referral - I/M suffering from PTSD symptoms include 1) nightmares 2) daily invasive memories of past abuses (Flashbacks) 3) feels much more fearful 4) avoiding custody & most other (inmates on yard 5) dayroom

II. O - Current Status:

A. Medications: [ ] None [X] Yes Effexor

Seems to be a trigger, waking up 6-7x/night some nights, other nights sleeps ok.

I/M Impression of Medication Effectiveness

B. Assessment of Risk for Self-Injury or Assaultive Behavior

[X] None Observed / Noted [ ] Yes. As evidenced by

I/M denies any SI, HI or psychotic process

III. A - PRESENT MENTAL STATUS:

Appearance:	~~WNL~~ (circled)	Disheveled	Inappropriate	Messy	
Behavior:	~~WNL~~ (circled)	Agitated	Restless	Lethargic	
Speech:	~~WNL~~ (circled)	Slow	Rapid	Impaired	Loud/Pressured
Sensorium:	WNL	Memory	Concentration	Judgement	Disoriented
Mood:	WNL	Angry (circled)	Depressed (circled)	Anxious (circled)	Fearful (circled)
Affect:	WNL	Flat	Blunted	Labile	Restricted
Sleep:	WNL	Awake	<6hrs/night	>10hrs/night	
Thought Content:	WNL	A/H	V/H	Delusions	Other:
Thought Process:	WNL	Incoherent	Concrete	Fragmented	Loose Associations
Eye Contact:	WNL	Poor	Fair		

Off & on daily related to PTSD, but still coping well.

Comments: PTSD active, daily symptoms. Treatment criteria: Exercising 2-3x week, reading/spiritual time daily, reading anger mgt. material (psychoed cog-behavioral)

IV. P - TREATMENT PLAN: I/M felt much better after our 1 hour session & has a plan to enhance coping.

[ ] Continue with current Treatment Plan dated
[X] Refer to Psychiatrist for medication review / evaluation
[ ] Refer to MD for review of specific medical problem
[X] Specific Recommendations: increase exercise/cardio versatility & go back to drawing which has really helped him in past.

B. Lyons PsyD
B. Lyons
Case manager

MENTAL HEALTH INTERDISCIPLINARY PROGRESS NOTES MH 3 (3/21/96) Confidential Client/Patient Information See W & I Code, Section 5328	LEVEL OF CARE 3CMS Inpatient Outpatient (circled)	Last Name: Lang First Name: Daniel MI CDC: C82516 DOB _/_/_

COPY

NOTE: SEND COPY OF PHYSICIAN'S ORDER FOR MEDICATION TO PHARMACY AFTER EACH ORDER IS SIGNED.

Order Date	Time	Problem #	Physician's Order and Medication (Orders must be dated, timed, and signed.)
5/21/03		1)	Hydrocortisone 1% cr – apply to skin of elbow qd prn flare up x 90d
		2)	Chrono – low bunk – permanent
		3)	erythromycin lotion – use as an after shave x 90d [signature]
			noted by M. [signature] @ 0930

ALLERGIES:

INSTITUTION

ROOM/WING A1 155

CDC NUMBER, NAME (LAST, FIRST, MI)

LANG
C82516

Confidential
client information
See W & I Code, Sections 4514 and 5328

PHYSICIAN'S ORDERS

*** PATIENT PROFILE ***
Includes All Prescriptions
Discontinued Drugs Are Marked with *

C-82516 LANG, DANIEL CURRENT UNIT: GONE
ALLERGIES: NKA DOB: / / HT: ft in WT: 0

START	Rx/Qty	DRUG	PHYSICIAN	STOP
08/01/2005 DLA	647228 60	INDOMETHACIN 50MG* 1 CAP TWICE DAILY	BHATT, N	*08/04/2005 EB32-246L
08/01/2005 DLA	647229 60	CHLORPHENIRAMINE 4MG* 1 TAB TWICE DAILY	BHATT, N	*08/29/2005 EB32-246L
0[illegible]1/2005 D[illegible]	647230 1	MINTOX PLUS TABS* CHEW 1-2 TABS 4X DAILY	BHATT, N	*08/29/2005 EB32-246L
08/03/2005 BL	647877 0	EFFEXOR XR 150MG* 1 Q AM START 8/18 *********NAM*************	BURDICK, RICH	*08/18/2005 EB32-246L
08/03/2005 BL	647878 30	EFFEXOR XR 150MG* 1***HS*** *******NAM***************	BURDICK, RICH	*08/19/2005 EB32-246L
08/03/2005 BL	647879 30	REMERON 45MG TAB* 1***HS*** *******NAM***************	BURDICK, RICH	*09/01/2005 EB32-246L
08/04/2005 DLA	648552 60	IBUPROFEN 800MG* 1 TAB 3X DAILY WITH FOOD 90	FLORES, ENGRALI	*08/04/2005 EB32-246L
08/05/2005 BL	648764 60	IBUPROFEN 800MG* 1 TAB THREE TIMES A DAY WITH FOOD	FLORES, ENGRALI	*09/07/2005 EB32-246L
08/18/2005 DFA	647877 30	EFFEXOR XR 150MG* 1 Q AM *********NAM*************	BURDICK, RICH	*09/01/2005 EB32-246L
08/19/2005 W[illegible]	647878 0	EFFEXOR XR 150MG* 1***HS*** *******NAM*******9/1*****	BURDICK, RICH	*09/01/2005 EB32-246L
08/29/2005 DLA	647229 60	CHLORPHENIRAMINE 4MG* 1 TAB TWICE DAILY	BHATT, N	*09/07/2005 EB32-246L
08/29/2005 DLA	647230 1	MINTOX PLUS TABS* CHEW 1-2 TABS 4X DAILY	BHATT, N	*09/07/2005 EB32-246L
09/01/2005 DFA	647877 1	EFFEXOR XR 150MG* 1 Q AM *********NAM*************	BURDICK, RICH	*09/07/2005 EB32-246L
09/01/2005 DLA	647878 30	EFFEXOR XR 150MG* 1***HS*** *******NAM******* *****	BURDICK, RICH	*09/01/2005 EB32-246L
09/01/2005 DFA	647878 1	EFFEXOR XR 150MG* 1***HS*** *******NAM******* *****	BURDICK, RICH	*09/07/2005 EB32-246L

COPY

PRINTED: 12/29/2005

*** PATIENT PROFILE ***
Includes All Prescriptions
Discontinued Drugs Are Marked with *

C-82516 LANG, DANIEL CURRENT UNIT: GONE
ALLERGIES: NKA DOB: / / HT: ft in WT: 0

START	Rx/Qty	DRUG	PHYSICIAN	STOP
09/01/2005	647879	REMERON 45MG TAB*	BURDICK, RICH	*09/07/2005
DFA	1	1***HS*** *******NAM***************		EB32-246L

COPY

State of California Department of Corrections and Rehabilitation

Memorandum

Date December 21, 2007

To: All Concerned

Subject: COLLECTION OF INMATE/PAROLEE APPEAL (CDCR 602) AND REASONABLE MODIFICATION OR ACCOMMODATION REQUEST (CDCR 1824) FORMS

The procedure for collecting Inmate/Parolee Appeal (CDCR 602) and Reasonable Modification or Accommodation Request forms (CDCR 1824) is being modified.

Effective January 1, 2008, the yellow metal drop boxes labeled "INMATE APPEALS" located in the housing units will no longer be used to collect CDCR 602's or CDCR 1824's. All CDCR 602's and CDCR 1824's will be process through the institutional mail and via the yellow "Reasonable Accommodation" drop boxes located outside each program office. The Inmate Appeals Office will be responsible for collecting the CDCR 602's and CDCR 1824's placed in the "Reasonable Accommodation" boxes each business day.

Appeals regarding operations or issues on a particular facility are most appropriately addressed at the INFORMAL level. Informal appeals for that facility shall be presented to the appropriate employee by the Captain or their designee. Both parties will exert a serious effort to resolve the issue INFORMALLY. All other CDCR 602's and CDCR 1824's will be forwarded to the Inmate Appeals office daily.

If you have any questions regarding this process, please e-mail or call Correctional Counselor II E. Franklin, at extension 5059.

ROBERT J. HERNANDEZ
Warden
Richard J. Donovan Correctional Facility

Attachments

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region 1. SATF-E 2.

Log No. 1. 05-02843 2.

Category 8

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
LANG, D. (DANIEL)	C82516	3-Build. Porter	E3-246L

A. Describe Problem: This is An "Emergency Medical Appeal" Regarding Effective, meaningful and Adequate medical Treatment being denied and/or delayed with deliberate indifference to serious medical Needs.... see CDC 602 — continuation Page: "Emergency Appeal" incorporated herein in it's entirety.... with Exhibits....

If you need more space, attach one additional sheet.

B. Action Requested: See CDC 602 continuation Page: "Emergency appeal"..... incorporated herein....

Inmate/Parolee Signature: Daniel J. Lang Date Submitted: 6-22-05

C. INFORMAL LEVEL (Date Received: 6-27-05)

Staff Response: Partially Granted; All the items you have listed under Action Requested can not be completed without a Physicians evaluation. Due to the recent shortage of CDC doctors you're request is still pending physician availability.

Staff Signature: [signature] Date Returned to Inmate: 7-17-05

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I am dissatisfied because my appeal is granted, but no remedy has been made available to appellant.... Action requested remains the same.... The attached documentations are physigans evaluations....

Signature: Daniel J. Lang Date Submitted: 7-27-05

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

CSATF APPEALS AUG 01 2005

RECEIVED JUN 27 2005

RECEIVED AUG -3 2005

RECEIVED

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15,Div 3, has also been changed because of this law.

With some exceptions, **YOU WILL BE CHARGED** a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors

YOU WILL NOT BE CHARGED for health care visits that are for:

an emergency.

a communicable disease (such as HIV, AIDS, and TB).

mental health services.

follow up health care services recommended by a doctor, nurse, or dentist.

health care services necessary to comply with State law and regulations (e.g., annual TB testing)

reception center screening and evaluation.

inpatient services, extended care, or skilled nursing services.

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15,Div 3, has also been changed because of this law.

With some exceptions, **YOU WILL BE CHARGED** a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors.

YOU WILL NOT BE CHARGED for health care visits that are for:

an emergency.

a communicable disease (such as HIV, AIDS, and TB).

mental health services.

follow up health care services recommended by a doctor, nurse, or dentist.

health care services necessary to comply with State law and regulations (e.g., annual TB testing)

reception center screening and evaluation.

inpatient services, extended care, or skilled nursing services

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15,Div 3, has also been changed because of this law.

With some exceptions, YOU WILL BE CHARGED a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors.

YOU WILL NOT BE CHARGED for health care visits that are for:

- an emergency,
- a communicable disease (such as HIV, AIDS, and TB),
- mental health services,
- follow up health care services recommended by a doctor, nurse, or dentist,
- health care services necessary to comply with State law and regulations (e.g., annual TB testing),
- reception center screening and evaluation,
- inpatient services, extended care, or skilled nursing services.

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☒ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☐

NAME	CDC NUMBER	HOUSING

PATIENT SIGNATURE	DATE

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

[redacted]

№ [illegible]322

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☑ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☑

NAME	CDC NUMBER	HOUSING
[illegible]	[illegible]	[illegible]

PATIENT SIGNATURE	DATE
[illegible]	[illegible]

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem) [illegible]

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE

Date / Time Received:	**Received by:**
Date / Time Reviewed by RN:	**Reviewed by:**

S: Pain Scale: 1 2 3 4 5 6 7 8 9 10

O: T: P: R: BP: WEIGHT:

A:

P:

☐ **See Nursing Encounter Form**

E:

APPOINTMENT SCHEDULED AS:	EMERGENCY (IMMEDIATELY) ☐	URGENT (WITHIN 24 HOURS) ☐	ROUTINE (WITHIN 14 CALENDAR DAYS) ☐

REFERRED TO PCP:	DATE OF APPOINTMENT:
COMPLETED BY	NAME OF INSTITUTION

PRINT / STAMP NAME	SIGNATURE / TITLE	DATE/TIME COMPLETED

№ 9391852

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☑ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☑

NAME	CDC NUMBER	HOUSING
LANG	C82516	F1-B3-111

PATIENT SIGNATURE	DATE
[signature]	4-24-06

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem) I am having pain in (R) Shoulder (R) Knee and lower back. I would like to renew my Robaxin and to get a knee brace untill surgery is done. I also request MRI on (R) Shoulder/Arm for mass and lumbar mass in Kidney/liver Area. Thank you and ...

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE

Date / Time Received:	Received by:
Date / Time Reviewed by RN:	Reviewed by:

S: Pain Scale: 1 2 3 4 5 6 7 8 9 10

O: T: P: R: BP: WEIGHT:

A:

P:

☐ **See Nursing Encounter Form**

E:

APPOINTMENT SCHEDULED AS: EMERGENCY (IMMEDIATELY) ☐ URGENT (WITHIN 24 HOURS) ☐ ROUTINE (WITHIN 14 CALENDAR DAYS) ☐

REFERRED TO PCP:	DATE OF APPOINTMENT:
COMPLETED BY	NAME OF INSTITUTION

PRINT / STAMP NAME	SIGNATURE / TITLE	DATE/TIME COMPLETED

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☑ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☑

NAME	CDC NUMBER	HOUSING

PATIENT SIGNATURE	DATE

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE

Date / Time Received:	**Received by:**
Date / Time Reviewed by RN:	**Reviewed by:**

S: Pain Scale: 1 2 3 4 5 6 7 8 9 10

O: T: P: R: BP: WEIGHT:

A:

P:

☐ See Nursing Encounter Form

E:

APPOINTMENT SCHEDULED AS: EMERGENCY (IMMEDIATELY) ☐ URGENT (WITHIN 24 HOURS) ☐ ROUTINE (WITHIN 14 CALENDAR DAYS) ☐

REFERRED TO PCP:	DATE OF APPOINTMENT:
COMPLETED BY	NAME OF INSTITUTION

PRINT / STAMP NAME	SIGNATURE / TITLE	DATE/TIME COMPLETED

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

DEPARTMENT OF CORRECTIONS

HEALTH CARE SERVICES REQUEST FORM

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☒ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☒

NAME	CDC NUMBER	HOUSING
LANG	C82516	F1-B3-111
PATIENT SIGNATURE: [signature]		DATE: 4-18-06

REASON YOU ARE REQUESTING HEALTH CARE SERVICES: (Describe Your Health Problem And How Long You Have Had The Problem) I request MRI on (R) Arm/shoulder and other lump(?) masses that hurt and inflame continuously. I Also request better pain management for pain in (R) shoulder, (R) knee, and lower (R) Back complications due to knee injury. Thank you!

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM.

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☑ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15, Div 3, has also been changed because of this law.

With some exceptions, **YOU WILL BE CHARGED** a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors.

YOU WILL NOT BE CHARGED for health care visits that are for:

- an emergency.
- a communicable disease (such as HIV, AIDS, and TB).
- mental health services.
- follow up health care services recommended by a doctor, nurse, or dentist.
- health care services necessary to comply with State law and regulations (e.g., annual TB testing).
- reception center screening and evaluation.
- inpatient services, extended care, or skilled nursing services.

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☐ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☐

NAME	CDC NUMBER	HOUSING

PATIENT SIGNATURE	DATE

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

[redacted]

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15,Div 3, has also been changed because of this law.

With some exceptions, **YOU WILL BE CHARGED** a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors.

YOU WILL NOT BE CHARGED for health care visits that are for:

an emergency.

a communicable disease (such as HIV, AIDS, and TB).

mental health services.

follow up health care services recommended by a doctor, nurse, or dentist.

health care services necessary to comply with State law and regulations (e.g., annual TB testing).

reception center screening and evaluation.

inpatient services, extended care, or skilled nursing services.

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☑ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☐

NAME	CDC NUMBER	HOUSING

PATIENT SIGNATURE	DATE

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15,Div 3, has also been changed because of this law.

With some exceptions, **YOU WILL BE CHARGED** a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors.

YOU WILL NOT BE CHARGED for health care visits that are for:

- an emergency.
- a communicable disease (such as HIV, AIDS, and TB).
- mental health services.
- follow up health care services recommended by a doctor, nurse, or dentist.
- health care services necessary to comply with State law and regulations (e.g., annual TB testing)
- reception center screening and evaluation.
- inpatient services, extended care, or skilled nursing services

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☑ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☐

NAME	CDC NUMBER	HOUSING

PATIENT SIGNATURE	DATE

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

R.J. DONOVAN CORRECTIONAL FACILITY
480 ALTA ROAD, SAN DIEGO, CA 92179 (619)661-6500

LANG, DANIEL C-82516 B03-111L

DR: COLOCOUSIS, J RPH: REF MFG: UD

RX: 676133- 3 QTY: 45

IBUPROFEN 800MG

TAKE 1 TABLET 3 X/DAY AS

NEED./CHRONIC PAIN(AR/15D

START: 12/04/05 STOP: 01/18/06

CAUTION: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

HEALTH CARE SERVICES REQUEST
CDC 7362 PAGE 2

IMPORTANT INFORMATION ABOUT YOUR HEALTH CARE VISIT

WHEN DO YOU HAVE TO PAY FOR A HEALTH CARE VISIT?

On July 9, 1994, a California State law was passed. That law gave the Department of Corrections permission to charge inmates a fee when they request a health care visit. The California Code of Regulations, Title 15,Div 3, has also been changed because of this law.

With some exceptions, **YOU WILL BE CHARGED** a five dollar ($5.00) copayment fee for each health care visit that you request. This includes requests made for you by departmental staff, other inmates, your family or your attorney. If you request services that require more than one doctor, you will be charged for each initial visit with each doctor. This means if you request dental services and medical services, you will be charged for the visit with the dentist and the doctor/nurse.

The copayment fee will be charged to your trust account. If there is not enough money in your trust account over a period of 30 days, you will not be charged.

The copayment of $5.00 for this visit will cover your visit with a doctor, nurse, or dentist. It will also cover prescribed medicines, laboratory tests, and referrals to other doctors.

YOU WILL NOT BE CHARGED for health care visits that are for:

- an emergency.
- a communicable disease (such as HIV, AIDS, and TB).
- mental health services.
- follow up health care services recommended by a doctor, nurse, or dentist.
- health care services necessary to comply with State law and regulations (e.g., annual TB testing).
- reception center screening and evaluation.
- inpatient services, extended care, or skilled nursing services

YOU WILL NOT BE DENIED HEALTH CARE IF YOU DO NOT HAVE MONEY IN YOUR TRUST ACCOUNT TO PAY THE FEE.

№ 840777

STATE OF CALIFORNIA
CDC 7362 (Rev. 03/04)

HEALTH CARE SERVICES REQUEST FORM

DEPARTMENT OF CORRECTIONS

PART I: TO BE COMPLETED BY THE PATIENT

A fee of $5.00 may be charged to your trust account for each health care visit.

If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.

REQUEST FOR: MEDICAL ☒ MENTAL HEALTH ☐ DENTAL ☐ MEDICATION REFILL ☐

NAME	CDC NUMBER	HOUSING
Lane	C82516	E7-246L

PATIENT SIGNATURE	DATE
[signature]	12/23/04

REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe Your Health Problem And How Long You Have Had The Problem)

med stickers on here

NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM

PART III: TO BE COMPLETED AFTER PATIENT'S APPOINTMENT

☐ Visit is not exempt from $5.00 copayment. (Send pink copy to Inmate Trust Office.)

EXHIBIT COVER PAGE

3

EXHIBIT

DESCRIPTION OF THIS EXHIBIT: HCSRF

NUMBER OF PAGES TO THIS EXHIBIT: 34 **PAGES.**

JURISDICTION: (Check only one)

- [ ] CDCR Administrative Appeal
- [ ] California Victim Compensation And Government Claims Board
- [ ] Municipal Court
- [ ] Superior Court
- [ ] Appellate Court
- [ ] State Supreme
- [x] United States District Court
- [ ] United States Circuit Court
- [ ] United States Supreme Court

Approved for use with Judicial Council forms Jan 1997

Warden Hernandez
RJD Correctional Facility

As long as I cannot do anything to get medical help for Daniel, I expect that your medical staff do their job. His injury took place on the yard grounds, and you are ultimately responsible for his welfare. I will be taking this complaint to a higher level, and Judge Henderson if something is not done very soon. I don't expect Daniel to endure this pain, with no concern for his health by your staff. As you well know, aspirin does not do much when this kind of injury is sustained. This has been delayed for much too long.

Thank you for your assistance with this matter. If you have any questions, please contact me. I expect that my husband is taken care of and soon.

Regards,

Sheri M. Perry Lang

S Perry Lang

cc: Daniel J Lang C82516
RJD - F1-B 3-111
P O Box 799001
San Diego, CA 92179

Sheri M. Perry Lang
smp consulting, inc.
P O Box 4028
Malibu, CA 90265
(310)457-5610 t
(310)457-6667 f

COPY

May 15, 2006

Robert J. Hernandez, Warden
R J Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179

Re: Daniel J Lang C82516

Dear Warden Hernandez,

I am writing on behalf of my husband, Daniel J Lang D82516, and he is housed in Fac 1 - Bldg 3 - 111. I have a growing concern for his health, and am asking that you look into this problem.

About 8 months ago, while Daniel was on the yard, he fell into, and on, a drain grate in the yard, and twisted his knee. He thought the immediate pain would decrease after the initial twist and fall, but after a few months it became apparent that it was getting worse, not better. He has tried to get medical attention and the medical attendants are not taking this seriously at all. He now has collateral damage to his hip, so much so that his hip has shooting pain. He went to the medical office last week, received some aspirin and a cane, with still no talk of getting this taken care of. They have given hip lip service to date, I believe he has had xrays taken, but nothing has been done to remedy this injury. A promise of an outpatient surgery was talked about, but now 8 months after the injury, he is incurring further pain and further delay.

Daniel is a very strong and healthy man. This knee injury has taken its toll on his health and his mobility. An obvious bulge on his knee is getting larger and larger, and affecting his walking, thus his hip now has shooting pain. I am very concerned for his welfare, and am filing a complaint against your medical system at this time.